

OFFICIAL REPORT OF PROCEEDINGS
BEFORE THE
NATIONAL LABOR RELATIONS BOARD
REGION 3

In the Matter of:

Starbucks Corporation,	Case Nos.	03-CA-285671,
		03-CA-290555, 03-CA-291157
Employer,		03-CA-291196, 03-CA-291197
		03-CA-291199, 03-CA-291202
and		03-CA-291377, 03-CA-291378
		03-CA-291379, 03-CA-291381
Workers United,		03-CA-291386, 03-CA-291395
		03-CA-291399, 03-CA-291408
Union.		03-CA-291412, 03-CA-291416
		03-CA-291418, 03-CA-291423
		03-CA-291431, 03-CA-291434
		03-CA-291725, 03-CA-292284
		03-CA-293362, 03-CA-293469
		03-CA-293489, 03-CA-293528
		03-CA-294336, 03-CA-293546
		03-CA-294341, 03-CA-294303
		03-CA-206200

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UNITED STATES OF AMERICA
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Employer,

and

WORKERS UNITED,

Union.

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The above-entitled matter came on for hearing, via Zoom videoconference, pursuant to notice, before **MICHAEL A. ROSAS**, Administrative Law Judge, at National Labor Relations Board, Region 3, Robert H. Jackson United States Courthouse U.S. District Court for the Western District of New York, 2 Niagara Square, Wyoming Courtroom, 5th Floor, Buffalo, New York 14202, on **Thursday, August 25, 2022, 9:03 a.m.**



1 A P P E A R A N C E S

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I N D E X

<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>	<u>VOIR DIRE</u>
Daisy Pitkin	2389 2394 2400	2401	2416	2417	2393
Cory Johnson	2419	2442	2448		
James E. Skretta	2450 2457 2486	2491			2456 2485
Richard Bensinger	2506	2520			

E X H I B I T S

<u>EXHIBIT</u>	<u>IDENTIFIED</u>	<u>IN EVIDENCE</u>
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General Counsel:

GC-157	2484	2486
GC-162 (a) and 162 (b)	2456	2457
GC-163 (a) and 163 (b)	2478	2479
GC-164 (a) and 164 (b)	2483	2484

1 P R O C E E D I N G S

2 JUDGE ROSAS: All right. Let's go on the record.

3 THE COURT REPORTER: We are on the record.

4 JUDGE ROSAS: Okay. General Counsel --

5 MS. STANLEY: Judge --

6 JUDGE ROSAS: -- is there anything before -- is there
7 anything before we proceed with our first witness?

8 MS. STANLEY: Nothing from the General Counsel.

9 JUDGE ROSAS: Okay. General Counsel, who's your first
10 witness?

11 MS. STANLEY: The General Counsel calls Daisy Pitkin, for
12 just and proper evidence only.

13 MR. BALSAM: And Your Honor, just for the record,
14 Respondent objects to the introduction of any of this evidence
15 in this proceeding.

16 JUDGE ROSAS: Okay. All right, will the witness raise
17 your right hand?

18 Whereupon,

19 DAISY PITKIN

20 having been duly sworn, was called as a witness herein and was
21 examined and testified, telephonically as follows:

22 JUDGE ROSAS: State and spell your name and provide us
23 with an address.

24 THE WITNESS: Daisy Pitkin, D-A-I-S-Y P-I-T-K-I-N. I live
25 at (b) (6), (b) (7)(C)

DIRECT EXAMINATION

2 Q BY MS. STANLEY: Good morning, Daisy.

3 A Hi, good morning.

4 Q What are your pronouns?

5 A She/her.

6 Q And who's your current employer?

7 A Workers United.

8 Q How long have you worked for Workers United?

9 A Since April of last year, so about one year and four
10 months.

11 Q What's your current job title?

12 A I'm the deputy organizing director and the national field
13 director on the Starbucks campaign.

14 Q How long have you been the national field director on the
15 Starbucks campaign?

16 A Since late May of this year.

17 Q And what do you do in that position?

18 A I coordinate with organizers and worker leaders all across
19 the country to help them be in contact with each other about
20 all pieces of the campaign.

21 Q When did you first get involved in the Starbucks campaign?

22 A In about January of this year.

23 Q And what was that involvement in January?

24 A I -- I had another position with the Union at the time. I
25 was an internal organizer for one of the joint boards here

1 in -- in Pennsylvania, where I live. And we started hearing
2 that there were workers at Starbucks in Pittsburgh who were
3 interested in organizing and joining Starbucks Workers United.
4 So I started working on the campaigns so that I could help them
5 figure out how to organize their stores.

6 Q At what point did you begin to get involved in the
7 national aspects of the campaign?

8 A Well, the beginning of the campaign, I would talk to
9 organizers who I knew across the country. So I was aware of
10 the campaign and the way that it was going. But I became -- I
11 took on more of a national role toward the end of May.

12 Q When you became involved in the campaign in January, what
13 was the tenor of the campaign at that time, to your experience?

14 A It was really exciting. There was a lot of momentum.
15 There was a lot of excitement. Workers were reaching out to
16 the campaign, and were ready to organize their stores in a way
17 that, as an organizer, I had not seen before. It was kind of
18 a -- a groundswell of worker energy and activity all across the
19 country.

20 It was inspiring, really.

21 Q And who were -- who were the workers across the country
22 reaching out to you? Who in the campaign?

23 A I think, mainly, they would reach out -- Buffalo was the
24 place that people knew about that was -- had won their Union
25 election.

1 And so workers were reaching out to an email address that
2 the baristas there had established as a point of contact. So
3 mainly, workers were emailing that email address to ask how
4 they could get involved and -- and to learn the steps of
5 organizing.

6 Q Had you worked on any previous organizing campaigns before
7 the Starbucks campaign?

8 A Yes.

9 Q About how many in your career?

10 A Probably 15.

11 Q And how did the Starbucks campaign compare to prior
12 campaigns you've worked on?

13 A This campaign, in my experience, is really unusual.
14 There's a -- it's really driven by energy among workers in
15 stores all across the country. It's driven by their enthusiasm
16 and the momentum that they create. Worker leaders in stores
17 kind of learn the skills and process of organizing as they
18 organize their own stores.

19 And then, they help other baristas and partners in other
20 stores, both in their city and in -- via Zoom. Other cities
21 across the country learn the same things that they learned by
22 going through the process. It's really unusual.

23 And the beginning stages of the campaign, the rapidity of
24 the -- of the momentum was something I had never seen. How
25 quickly workers were ready and able to build organizing

1 committees in their stores, and then build majority support for
2 the Union in their stores was really unusual. I had never seen
3 anything like it.

4 JUDGE ROSAS: Hold on one second. All right. Ms. Eisen
5 and Ms. Mkrtumyan, everyone who is an attorney or is a
6 representative individual, is a witness -- anybody who is
7 participating in the proceeding has to leave their screen on.
8 No screen off. Unless you want to leave the meeting.

9 Go ahead, resume.

10 Q BY MS. STANLEY: Go ahead, Daisy. Did you have anything
11 else to add?

12 A I don't think so.

13 Q Okay. Did the momentum of the campaign ever change, in
14 your experience?

15 A Yes, it did.

16 Q When was that?

17 A It started happening over time, but we saw the real sort
18 of slowdown starting kind of May, and then certainly, over the
19 summer, June and July. And the slowdown was marked both by --
20 kind of in all stages of the campaign.

21 Workers who were really excited about organizing their
22 stores having a more difficult time building an organizing
23 committee, which is an important first step. And then it
24 taking longer, and in some cases, not happening at all, to
25 build majority support for the Union in their store and to file

1 for Union elections.

2 And certainly, the number of filings that we had -- you
3 can -- you can sort of trace the -- the arc of that. And it
4 slowed down dramatically, a little bit in May, and then much
5 more, certainly, in June and July.

6 Q And did you ever talk to organizers about why that might
7 be?

8 A Yes. They --

9 Q And what were you -- what were you told?

10 A That --

11 MR. BALSAM: Your Honor -- Your Honor, before we continue,
12 I just want to make sure the witness is not reading from a
13 screen, and is, in fact, testifying. That there's no documents
14 or papers or messaging systems up that she's able to
15 communicate with --

16 JUDGE ROSAS: Why don't you have -- go ahead, if you want
17 to do some voir dire, with respect to, you know, the settings.

18 MR. BALSAM: Sure.

19 JUDGE ROSAS: Mr. Balsam.

20 MR. BALSAM: Thank you, sir. Thank you, Judge.

21 **VOIR DIRE EXAMINATION**

22 Q BY MR. BALSAM: Ms. Pitkin, I just want to confirm. Do
23 you have any papers in front of you?

24 A No, I have -- I have -- I don't have any papers related to
25 this testimony. This is my home office, so there are papers

1 around, but nothing that I'm reading from.

2 Q How many screens are you -- do you have in front of you?

3 A Just one.

4 Q And where -- do you have a camera that's embedded into
5 your screen, or is it a camera that's attached to the top?

6 A It's embedded in the screen.

7 Q Okay. Do you have any -- other than the Zoom -- the Zoom
8 application, do you have anything else open on your computer?

9 A No.

10 Q Do you have a phone in your presence?

11 A It -- it's on my desk over -- off to the side.

12 MR. BALSAM: Okay, I have nothing further. Thanks, Judge.

13 **RESUMED DIRECT EXAMINATION**

14 Q BY MS. STANLEY: Daisy, what were you told about -- from
15 organizers about the slowdown of the campaign?

16 A I was told that, you know, because of some of the anti-
17 Union activities that the company was rolling out, there's a
18 lot more fear on the ground. Workers were encountering all
19 kinds of threats and things inside the stores. And they were
20 hearing a lot about what was happening all across the country,
21 and they were afraid.

22 Q What was happening across the country that was making
23 people afraid?

24 A Well, certainly, we were starting to hear a lot toward the
25 end of March about firings that were happening, specifically in

1 Buffalo. And there were also, you know, other kinds of threats
2 happening in the stores, from store managers directly to
3 workers who were trying to organize their stores.

4 Q And how do you know that workers were aware of and feared
5 those things?

6 A Well, in -- in the early stages of my involvement in the
7 campaign, I was an organizer working directly with worker
8 leaders here in Pittsburgh.

9 So I heard directly from them. And then, when I took on a
10 more national role toward the end of May -- excuse me -- I
11 started working with and coordinating with organizers all
12 across the country, and heard from them what workers were
13 telling them.

14 Q And what were workers telling them?

15 A Workers were telling them that they were afraid of losing
16 their jobs if they organized. That they were afraid of losing
17 certain benefits, like the right to transfer to other stores.

18 That the company was telling them that negotiations would
19 start at zero, that they could lose things that they already
20 had -- benefits that they already have access to if they
21 organized. And -- and workers depend on those benefits and
22 count on them. And they count on having their jobs and being
23 able to go to work. So they were -- they were afraid.

24 Q Was there anything specific to Buffalo that workers would
25 bring up in these conversations?

1 A Yeah, you know, there was a period of time where there was
2 a lot of energy. I'm speaking now kind of specifically about
3 Pittsburgh, because that's where I was working at the time. In
4 sort of February and early March, there was a lot of energy for
5 organizing here.

6 The first store filed for an election in the first half of
7 February, I believe. And coming off of that, there was a lot
8 of energy in multiple stores all across the city to join this
9 movement and to kind of build some strength here in the
10 Pittsburgh area.

11 And then through March -- and I remember, specifically, at
12 the -- the end of March -- we started hearing about a whole
13 slew of firings that had happened in Buffalo. I remember
14 hearing about Cassie Fleischer's firing. And then, there were
15 several others that happened. And then Angel Krempa was fired.
16 And it seemed as though there had been five or six firings that
17 had happened all at once.

18 And at this point, you know, workers in Pittsburgh were in
19 contact with workers in Buffalo. They talked to each other all
20 across the country and were hearing about this. So certainly,
21 by the end of March, workers were really concerned about what
22 was happening. That if they were going to organize in their
23 stores, they could face disciplinary action, up to and
24 including being fired from their jobs.

25 Q Are you familiar with the number of petitions filed in the

1 Spring of 2022? Spring and Summer?

2 MR. BALSAM: Objection.

3 Q BY MS. STANLEY: Go ahead, you can answer.

4 A Yes, roughly.

5 Q How are you familiar with that number -- with those
6 numbers?

7 A Well, it -- we track those things pretty carefully, from a
8 national level in the campaign. We pay attention to how many
9 petitions are being filed, how many elections are being won and
10 lost at any given time in the campaign.

11 Q And what did you notice about the number of petitions
12 filed throughout the Spring and Summer of 2022?

13 A Well, as I mentioned, earlier on in the year, there was a
14 lot of energy on the campaign, and organizing was happening
15 quickly and kind of wildfire. And I know that there were about
16 70 petitions that were filed in March.

17 And the number started going down a little bit into April.
18 I think there were about 65 or 64 in April that were filed.
19 And then a more dramatic decrease through May and June and
20 July. So I think May, there were 45. In June, there were
21 20 -- slightly more than 25. 26 or 27. And then, in July,
22 I -- I'm not even sure we hit 15 filings that month. I think
23 it --the number might have been 14 in July.

24 Q Other than the number of petitions being filed, what other
25 differences do you notice in your communications with workers

1 from when you were -- when you got involved in the campaign at
2 first to now?

3 A There was a decrease in kind of the number of workers
4 across the country that were reaching out to the campaign,
5 saying that they wanted to organize their stores. Early on in
6 the campaign, we were getting emails and contacted by 40 or 50
7 workers per week, saying that they wanted to organize their
8 stores. In the middle of the summer -- that summer, that
9 number had decreased to maybe 20. So there was a marked
10 decrease.

11 And the messages that we were getting from workers
12 changed, as well. I mean, early on in the campaign, workers
13 were, I think, following very closely on social media, watching
14 workers across the country win their Union elections with a lot
15 of excitement, and understood and were researching the -- on
16 their own the steps that it takes to organize in their stores.

17 And they would reach out to us saying, you know, we're
18 ready to organize. I'm pulling together an organizing
19 community. Knowing kind of the verbiage that we use on the
20 campaign, and pulled together an organizing committee. A
21 majority of people in my store support unionization. How can
22 we get Union cards and start signing them? That was sort of
23 the tone and content of the messages that we were getting.

24 And then, later on in the spring and into summer, even the
25 work -- the work -- though there were fewer workers reaching

1 out to us, the outreach -- the content of the messages was
2 really different. They were saying things like, I would like
3 to organize my store, but I'm not sure whether it would happen
4 here. There's a lot of fear. Or there's already been a lot of
5 union busting in my store. I don't know if we can organize,
6 but if you send me some information about the Union, I'll share
7 it with my coworkers and see if they change their minds. That
8 kind of thing.

9 Also, in the time that I've been involved in the
10 campaign -- so the number of filings has gone down, but we
11 also -- we track, as I mention, the Union elections. Both the
12 kind of the vote spreads and also the wins and losses. And
13 around the same time -- so late -- late spring and through the
14 summer -- we started losing more Union elections than we did
15 early on. And the vote spreads were tighter. So even the
16 elections that we won, there were a lot more no votes than
17 there were earlier on in the campaign.

18 And I think all of that is due to the firings and other
19 kinds of anti-Union behavior from the Company.

20 Q Why do you think that?

21 A Because workers would -- would tell us about the things
22 that they were facing in the store. There's a store here in
23 Pittsburgh on Craig and Forbes. It's a store that's right
24 adjacent to both Carnegie Mellon and Pitt, so there are a lot
25 of students who work there. And they -- there was a lot of

1 energy, initially, for organizing there. They filed with a
2 really strong majority on cards.

3 And then, you know, during the period between filing for
4 election and when the vote count actually happened, workers
5 there faced a lot of intense Union busting kind of in-person.
6 But they also were in touch with workers in Buffalo and heard
7 about the firings that were happening in Buffalo, and what was
8 going on there.

9 And a lot of workers there changed their minds -- after
10 signing their cards saying that they wanted to have a union in
11 the store -- changed their minds and ended up voting no. And
12 the vote count there was a nail-biter. They won their Union,
13 but barely.

14 MS. STANLEY: I have nothing further at this time.

15 JUDGE ROSAS: Charging party, anything?

16 MR. DOLCE: Just one thing, real quick.

17 **DIRECT EXAMINATION**

18 Q BY MR. DOLCE: Hi, Daisy. Mike Dolce, for the Union.
19 Outside of Pittsburgh, how many cities or states -- and what
20 cities or states have you heard -- you, personally, heard --
21 from workers fear, based on firings or any other alleged
22 unlawful activity in Buffalo?

23 MR. BALSAM: Objection, form. You can still answer.

24 A I'm in -- I'm in touch now, in this new position with
25 workers all across the country, and also with staff organizers

1 all across the country. So I talk to, on a daily basis, both
2 workers and organizers. And by all across the country, I
3 really do mean in all 36 states where this campaign is active.

4 So I hear about fear in California, in Arizona, in
5 Chicago, in Kansas, Oklahoma. Really, most parts of the
6 country. Workers and organizers are reporting that there's a
7 lot of fear about organizing.

8 MR. DOLCE: Nothing further.

9 JUDGE ROSAS: Respondent?

10 **CROSS-EXAMINATION**

11 Q BY MR. BALSAM: Hi, Ms. Pitkin. Good morning.

12 A Good morning.

13 Q You testified that you have been involved in organizing at
14 least 15 organizing campaigns around the country. Is that
15 correct?

16 A Yes.

17 Q And isn't it true that, in your experience, that the
18 momentum of a campaign wanes over time?

19 A Sometimes, but not always, no.

20 Q So there are -- there are campaigns where the momentum
21 slows down after months of the campaign starting, correct?

22 A That sometimes happens, yes.

23 Q Okay. And in -- in the campaigns that you've been
24 involved in -- have they been national campaigns --

25 A Some --

1 Q -- or local campaigns?

2 A -- of them. Some national and some local.

3 Q Okay. And of the national campaigns that you have worked
4 on, isn't it true that in those national campaigns that you've
5 worked on, the momentum wanes over time?

6 A That's -- I would not say that that's true as a rule, no.

7 Q But it often times happens, correct?

8 A I would say sometimes happens, yeah.

9 Q Okay. You said people were emailing you on how to get
10 involved in organizing; is that correct?

11 A It -- it didn't happen very often that people emailed me,
12 personally. But they were emailing the campaign, yes.

13 Q And which campaign are you referring to? United --
14 Workers United?

15 A Starbucks Workers United.

16 Q There's no such thing as Starbucks Workers United. Do you
17 mean Workers United?

18 MS. STANLEY: Objection. Go ahead, you can answer.

19 A We referred to the campaign as Starbucks Workers United.

20 Q Okay, so the email -- they were emailing the Workers
21 United. Is there an email address that people were emailing?

22 A There's a Gmail address. And I think it's
23 starbucksworkersunited@gmail.

24 Q Do you have access to that email?

25 A No.



1 Q So how do you know that people were emailing?

2 A Because I was told by the people who do have access to the
3 email.

4 Q Have you seen any of those emails that were received by a
5 starbucksworkersunited@gmail.com email address?

6 A Yes, I have.

7 Q How many emails have you seen?

8 A The emails -- the information from the emails gets pulled
9 into the spreadsheet, and I have access to that spreadsheet.
10 So I see -- I have access not to the email, but to a
11 spreadsheet, to be clear. And I -- so I see the content of the
12 messages pretty frequently. I check it a couple of times a
13 week.

14 Q Where -- where is this spreadsheet housed?

15 A It is housed -- there -- it -- there's a Google
16 spreadsheet. And so it's -- it's housed -- I don't -- in the
17 Cloud, maybe? I'm sorry, I don't have --

18 Q Let me -- that's fine. Let me rephrase. Do you receive
19 email copies of the spreadsheet?

20 A No, I -- it -- we don't download them and email them to
21 each other. I have a link that I can visit when I visit the
22 spreadsheet.

23 Q It's a Google link that you access the spreadsheet
24 through?

25 A Yes.

1 Q Okay. And how do you know that the content of the
2 information that is inputted into the spreadsheet is the full
3 and complete email that is received by
4 starbucksworkersunited@gmail.com?

5 A I believe that it is because the -- the field where it
6 shows the content of the messages often has kind of an opening
7 salutation, as well as a closing one. It seems a complete
8 message.

9 Q And are you tracking -- is Starbucks -- is Workers United
10 tracking emails both in favor and against the Union that it
11 received at -- that it received at
12 starbucksworkersunited@gmail.com?

13 A I believe that we're tracking every email that we get.

14 Q Okay, so some of the emails that you're receiving are from
15 partners around the country who are not interested in joining
16 the Union, correct?

17 A I have not seen any emails that we've received from
18 partners who are not interested in organizing their stores.

19 Q Okay. And of the emails that you have received -- well,
20 of the emails that you are witnessing or reviewing in the
21 spreadsheet, are the words "fear" used in the content of those
22 emails?

23 A Yes, fear and different kinds of iterations of that word.
24 Afraid -- yes.

25 Q Do you respond to any of these -- these emails that are



1 received at starbucksworkersunited@gmail.com?

2 A Not anymore. I don't respond directly to them, no.

3 Q Okay. Now, you mentioned that partners across the country
4 were learning of firings that occurred in the Buffalo market in
5 March of 2022, correct?

6 A Yes.

7 Q What -- who was fired in Buffalo in 2022?

8 A I heard about Cassie Fleischer being fired. I know that
9 Angel Krempa was fired towards the end of that month. And
10 there were several others whose names I don't know, but I know
11 that people in the campaign were sort of aware of a group of
12 firings that seemed to be happening in Buffalo.

13 Q And with respect to Cassie -- Cassie Fleischer's -- I'll
14 use the word "termination," in or around March of 2022, how did
15 you become aware of that?

16 A I think that I first heard about that firing alongside
17 another one that happened, and I heard about it from an
18 organizer here in Pennsylvania, who informed me that there were
19 firings happening in Buffalo now. And that it was something
20 that we should be aware of happening on the campaign, because
21 certainly, workers across the country were going to hear about
22 this.

23 Q Have you ever spoken to Cassie Fleischer?

24 A No.

25 Q Have you ever asked anyone about the circumstances



1 surrounding her, using the word, "termination", from an
2 employment with Starbucks in or around March of 2022?

3 A No.

4 Q And as you sit here today, you have no idea why there's
5 this idea out there that Cassie Fleischer was separated from
6 the company in or around March of 2022?

7 A I -- I believe it's because she was separated from the
8 company around that time.

9 Q Right, but you have no idea what the circumstances were
10 surrounding that reported separating in or around March of
11 2022?

12 A No.

13 Q Same thing with Angel Krempa. Have you spoken to Angel
14 Krempa about her separation from Starbucks?

15 A Not about her separation, no.

16 Q Okay. And as you sit here today, do you have any idea why
17 Angel Krempa was separated from employment with Starbucks?

18 A I believe it's because she was a Union leader.

19 Q So -- so I -- but that's your belief. You've never -- you
20 have not investigated the -- the actual reason given to Angel
21 Krempa for her separation?

22 A That's correct.

23 Q Okay. Other than Cassie Fleischer and Angel Krempa, are
24 you aware of any other partners who were separated from the
25 company in or around March of 2022?

1 A I know that there were others, but I don't know their
2 names.

3 Q Okay. And how would you become aware of the fact that
4 there were other partners who were separated from Starbucks in
5 March of 2022?

6 A I heard about it both from workers in Pittsburgh and also
7 organizers on the campaign.

8 Q Okay, but as you sit here today, you have no knowledge of
9 any of the -- the reasons for the separations that occurred in
10 or around March of 2022 in Buffalo, correct?

11 A Again, I -- I believe it's because they were Union
12 leaders.

13 Q Right, but you don't know the facts that were presented to
14 these individuals that -- with respect to their separations?

15 A That's right.

16 Q Okay. You said that you've been involved in the Starbucks
17 organizing campaign in about 38 states. You mentioned
18 California, Arizona -- you mentioned Chicago, but I assume you
19 meant Illinois -- Kansas and Oklahoma. And you said that the
20 partners that have reached out to you have described fear.

21 Starting with California, what is the fear that the
22 partners have described to you in California?

23 A They're afraid of losing their jobs if they organize.
24 They're afraid of losing benefits if they organize, including
25 the right to transfer to other stores, including the education

1 access that some of them receive. They're afraid that they'll
2 lose out on future benefits, because store managers have told
3 them that the bargaining starts at 0, and that they could gain
4 something in a collective bargaining agreement or lose
5 something in a collective bargaining agreement.

6 Q Have these partners reached out to you directly?

7 A I have spoken with some of them directly, yes.

8 Q Have they emailed you directly?

9 A Some of them, yes.

10 Q All right. So in California, how many partners have
11 reached out to you that you have spoken to about their fear of
12 losing a job, benefit or right to transfer?

13 A Probably three.

14 Q Three. In all of California?

15 A Yes.

16 Q And in Arizona, same question. How many partners have
17 reached out to you about their fear?

18 A Probably three.

19 Q So the same -- three in the entire state?

20 A Yes.

21 Q And in Illinois? How many partners have reached out to
22 you about their fear of losing their job, benefit, or right to
23 transfer?

24 A I have spoken with one of the partners in Illinois.

25 Q And then Kansas. How many have reached out to you about

1 their fear of losing their job, benefit, right to transfer?

2 A I have spoken with two that I can remember.

3 Q And then Oklahoma? How many have spoken -- have reached
4 out to you about their fear of losing their job, benefit, right
5 to transfer?

6 A I can remember one conversation in Oklahoma.

7 Q Do you post on social media about the organizing campaign?

8 A Yes, sometimes.

9 Q When did you first start posting about the Starbucks
10 organizing campaign?

11 A I don't remember when the first post was.

12 Q Were you involved in the Starbucks organizing campaign
13 since its inception in Buffalo in August of 2021?

14 A No.

15 Q When did you first become involved in the organizing
16 campaign of Starbucks stores?

17 A In about January of this year.

18 Q From January of 2022 to the present, has your activity on
19 social media stayed the same, with respect to the organizing
20 campaign?

21 A No.

22 Q Is it greater now or less than now?

23 A It's -- can you repeat the question?

24 Q Sure.

25 A What's the date?

1 Q From the time that you started working on the organizing
2 campaign in January of 2022 to the present, you said that you
3 posted on social media, correct?

4 A Yes.

5 Q And my question was, is the -- your activity -- your
6 social media activity the same currently as it was in January
7 of 2022?

8 A No, I would say it's increased.

9 Q It's increased more now?

10 A Yes.

11 Q Okay. And it's increased more now because you're trying
12 to obtain more momentum in campaigns; isn't that true?

13 A I think it's increased now because I'm more involved in
14 the campaign, so it's on my mind more.

15 Q Ms. Pitkin, isn't it true that the Union utilizes the
16 termination of partners as a way to garnish support for the
17 campaign?

18 A No.

19 Q So what is the reason why Workers United posts about
20 terminations on social media?

21 A Because terminations have happened, and it's important for
22 us to be honest about all parts of the campaign.

23 Q But Ms. Pitkin, when you're posting, and you're trying to
24 be honest about the campaign, isn't it, in a fact, that you
25 need to understand the full scope of what occurred that

1 resulted in the termination?

2 A No, I don't -- I don't -- I believe that workers were
3 fired for Union leadership, and that's why the -- the campaign
4 is posting about them.

5 Q Ms. Pitkin, let me ask you this question. If someone
6 tells their supervisor that they hope they die, is that a
7 justification for a termination?

8 MS. STANLEY: Objection, calls for speculation, and it is
9 not relevant.

10 Q BY MR. BALSAM: You can still answer. You can still
11 answer the question.

12 MS. STANLEY: You can answer. You can go ahead, I'm just
13 objecting for the record.

14 A Can you ask the question again, please?

15 Q BY MR. BALSAM: Sure, Ms. Pitkin. If you told your
16 manager that you hoped that they died, would -- do you think
17 that would be grounds for termination?

18 A I -- I can't imagine saying that to anyone.

19 Q Because it would be highly inappropriate to say something
20 like that to a manager, correct?

21 A Yes.

22 Q Okay. If you, during -- we're still in the COVID
23 pandemic. If you walked into a store and lied about your COVID
24 symptoms to someone who had previously expressed to you that a

25 (b) (6), (b) (7)(C) , would that be

1 grounds for discipline?

2 MS. STANLEY: Objection, calls for speculation.

3 Go ahead, Daisy.

4 A Would it -- can you repeat the question?

5 Q BY MR. BALSAM: Sure. If you were an employee, and you
6 walked into your -- your employer's place of business and lied
7 about your COVID symptoms -- right?

8 A Um-hum.

9 Q To a person who had previously expressed to you that a
10 (b) (6), (b) (7)(C) -- do you think
11 that would be grounds for discipline?

12 A I think that's not a nice thing to do, but I think that
13 there are -- I would have to understand a lot more about the
14 context in that situation to determine whether or not to
15 discipline someone for talking about their COVID symptoms.

16 Q Is lying an appropriate thing to do at work to your
17 manager?

18 MS. STANLEY: Objection, relevance.

19 Q BY MR. BALSAM: Well, Daisy, you work, right? You work
20 for Workers United, correct?

21 A Yes, I do.

22 Q Do you think it's appropriate to lie to your -- your
23 superiors?

24 MS. STANLEY: Objection, relevance.

25 Go ahead. You can answer the question.

1 Q BY MR. BALSAM: Yeah, you can answer these questions.

2 MS. STANLEY: Yeah, you're fine.

3 A Okay. No, I don't think it's appropriate to lie.

4 Q BY MR. BALSAM: And if you're working in a food service
5 industry, and you stick your finger in a beverage that could --
6 in the -- in the -- in the witness of customers, do you think
7 that is grounds for discipline?

8 A I -- I don't think that people working in food service
9 should handle food or beverages with their bare hands, no.

10 Q So that would be a grounds for discipline, correct?

11 A It -- it -- yes. It depends on the disciplinary
12 procedure. I think there are a lot of -- there's a lot of
13 contextual details missing from these questions that make them
14 difficult to answer yes or no.

15 Q But the general premise of what I'm asking you -- you
16 agree, right? If someone engages in conduct that is in
17 violation of company policy, that they should be, in fact,
18 disciplined?

19 A I -- yes.

20 Q You were talking about how individuals -- or partners
21 around the country reached out to you about putting together an
22 organizing committee.

23 A Yes.

24 Q Of those who have reached out to you about pull -- putting
25 together an organizing committee -- committee, and actually

1 have put together an organizing committee, how many of that did
2 not pursue a cam -- an election?

3 A I don't know the exact number. Several.

4 Q More than ten? Less than ten?

5 A Who have reached out to me, directly?

6 Q Um-hum, yes.

7 A Probably less than ten.

8 Q Okay. In the entire country?

9 A Who have reached out to me directly, yes.

10 Q Okay. And are you aware of a greater number of stores
11 that have set up an organizing committee, and then pulled out
12 and decided not to pursue it --

13 A Yes.

14 Q -- through your org -- you know, Workers United?

15 A Yes.

16 Q How many stores?

17 A I don't know the exact number, but many dozens.

18 Q A dozen?

19 A Many dozen.

20 Q Many dozen.

21 A I would say 50.

22 Q Is there a list that Workers United maintains of those
23 stores that have put together an organizing committee, and then
24 subsequently decided not to pursue the election?

25 A We do not have a national list that keeps track of that,

1 no.

2 Q So how do you know it's dozens of locations?

3 A From talking with organizers all across the country.

4 Q So -- employees of Workers United, or actual partners in
5 the stores?

6 A Both.

7 Q You were talking about how a lot of the partners around
8 the country look to Buffalo, because that was where the
9 organizing campaign started, correct?

10 A Yes.

11 Q And as we had talked about before, the organizing campaign
12 in Buffalo started in August of 2021, correct?

13 A I suppose that's true. I wasn't directly involved with
14 it, so I don't know exactly when it started.

15 Q And the threats that you mentioned that they were
16 referring to that they had heard occurred in Buffalo, with
17 respect to losing certain benefits -- inability to transfer,
18 the, I guess, bargaining at 0, and then maybe going up and down
19 from there -- that all occurred in the Fall of 2021, correct?

20 A No.

21 Q That did not?

22 A No. Most of the firings that I'm thinking of occurred in
23 2022. A lot of the threats that I was talking about occurred,
24 I think, both in Buffalo, but then also were happening in
25 stores where workers were organizing all across the country.

1 Q And your -- but just to confirm, your personal knowledge
2 of it is limited to those few individuals that have reached out
3 to you directly?

4 A No. My knowledge of it comes from workers who I've spoken
5 with directly, and then also from staff organizers and worker
6 leaders from all across the country who report similar things.

7 Q But in the markets that we spoke about, there was only a
8 few in each market that have reached out to you personally,
9 correct?

10 A That's right.

11 Q With respect to their fear and the threats that they've
12 heard that culminated in their fear?

13 A Yes.

14 Q Okay. Just one moment.

15 MR. BALSAM: I have nothing further for Ms. Pitkin.

16 JUDGE ROSAS: General Counsel?

17 MS. STANLEY: Yes, thank you.

18 **REDIRECT EXAMINATION**

19 Q BY MS. STANLEY: Daisy, are you the only point of contact
20 for workers across the country to reach out to you directly?

21 A No.

22 Q Are you even the main point of contact for workers to
23 reach out to directly?

24 A I'm not.

25 Q What circumstance would -- would a partner reach out to

1 you directly?

2 MR. BALSAM: Objection, calls for speculation.

3 Q BY MS. STANLEY: Go ahead, you can answer.

4 A Workers who I have kind of built relationships with
5 through other kinds of working committees on the campaign and
6 have gotten to know reach out to me directly, sometimes.

7 Q Other than the people who reach out to you directly, about
8 how many partners across the country have you heard of that
9 have expressed fear? If you can give it a ballpark --

10 A Hundreds. Fear is widespread on the campaign, and most
11 workers who speak to organizers across the country have
12 expressed fear of organizing. Especially kind of in late May
13 and June and July of this year.

14 MS. STANLEY: Nothing further.

15 **RECROSS-EXAMINATION**

16 Q BY MR. BALSAM: Ms. Pitkin, of the 15 campaigns that you
17 have --

18 JUDGE ROSAS: Hold on, hold on, hold.

19 MR. BALSAM: Sorry.

20 JUDGE ROSAS: Charging Party, anything?

21 MR. DOLCE: Nothing from Charging Party.

22 JUDGE ROSAS: Go ahead.

23 Q BY MR. BALSAM: Ms. Pitkin, of the 15 campaigns that
24 you've been a part of, have you heard about fear from other
25 works in those campaigns?

1 MS. STANLEY: Objection, beyond the scope.

2 You can answer, though.

3 A Yes.

4 Q BY MR. BALSAM: So it's common in any campaign for workers
5 to express fear?

6 A It -- it's common, in particular, in campaigns where the
7 company is campaigning against the Union in a -- in an
8 aggressive kind of way, and --

9 Q And you --

10 A -- threatening workers and firing workers.

11 Q Right, but we described -- when you say aggressive, what
12 does that -- what do you mean by the word, aggressive?

13 A I think that firing workers for Union activities is a mark
14 of an aggressive anti-Union campaign, and I have seen it before
15 in other campaigns, unfortunately.

16 Q Right, but as we've discussed, you don't know the full
17 circumstances surrounding the terminations of those individuals
18 in the Buffalo market.

19 A That's correct.

20 Q Correct? Okay.

21 MR. BALSAM: I have nothing further.

22 MS. STANLEY: I have nothing.

23 MR. DOLCE: Nothing.

24 JUDGE ROSAS: All right. You're excused. Do not discuss
25 your testimony with anyone, until you're advised otherwise by

1 Counsel, all right?

2 THE WITNESS: Okay. Thanks.

3 JUDGE ROSAS: Okay?

4 MS. STANLEY: Thank you, Daisy.

5 THE WITNESS: Have a good day.

6 MS. STANLEY: You, too.

7 JUDGE ROSAS: Okay. We'll take five. Off the record.

8 (Off the record at 9:47 a.m.)

9 JUDGE ROSAS: All right, on the record.

10 Next witness.

11 MS. STANLEY: General Counsel calls Cory Johnson.

12 JUDGE ROSAS: Raise your right hand.

13 Whereupon,

14 **CORY JOHNSON**

15 having been duly sworn, was called as a witness herein and was
16 examined and testified, telephonically as follows:

17 JUDGE ROSAS: All right. State and spell your name, and
18 provide us with an address.

19 THE WITNESS: My name is Cory Johnson, C-O-R-Y

20 J-O-H-N-S-O-N. My current address is (b) (6), (b) (7)(C)

21 [REDACTED].

22 **DIRECT EXAMINATION**

23 Q BY MS. STANLEY: Good morning, Cory.

24 A Hi.

25 Q Before we start, is there anyone in the room with you?



1 A No.

2 Q And do you have any papers or anything around you?

3 A There are a couple of notebooks. I can move them.

4 Q Are they -- are they relevant to this case at all?

5 A No.

6 Q Okay, and where's your phone?

7 A Behind the computer.

8 Q Okay. And you don't have any notes or anything up on your
9 screen?

10 A No.

11 Q Okay, great.

12 MR. BALSAM: And Alicia, before we continue, can you just
13 confirm that the witness doesn't have any other applications
14 open on his computer?

15 MS. STANLEY: Yeah.

16 Q BY MS. STANLEY: Do you have any other -- anything else up
17 on your computer, other than this Zoom?

18 A No. I mean, my email's open. I can close that, though.

19 Q Yeah, close that.

20 A Cool.

21 Q Done? Good? Okay.

22 Cory, what are your pronouns?

23 A He/him.

24 Q And who is your current employer?

25 A Starbucks.



1 Q How long have you worked for Starbucks?

2 A During this currently time, about -- almost two years.

3 But I worked with Starbucks before, a couple of years ago -- in
4 between.

5 Q Where do you work -- what location do you work at now?

6 A I work at one in Prince Frederick, Maryland.

7 Q And in this current time -- length of time you've worked
8 at Starbucks, what other locations have you worked at?

9 A During the second time, so before the one I work at now in
10 Prince Frederick, I worked at one in Richmond, Virginia.
11 Before I worked at one in Richmond, Virginia, I worked at one
12 in Williamsville, New York.

13 Q And in your last stint working at Starbucks, where had --
14 what location did you work at?

15 A I worked at one in Hyattsville, Maryland.

16 Q When you worked at the Williamsville, New York store, when
17 was that?

18 A I started working there January of 2021.

19 Q And when did you stop working at that store?

20 A January of 2022.

21 Q And why did you leave in January, 2022?

22 A Because I moved to Richmond, Virginia.

23 Q When you worked in Williamsville, was that at the Main
24 Street store?

25 A Yes.



1 Q Did you have any other home store when you were in the
2 Buffalo area, other than that store?

3 A No.

4 Q Okay. And what was your job title when you worked at the
5 Williamsville store?

6 A Barista.

7 Q Cory, are you familiar with Workers United?

8 A Yes.

9 Q Are you familiar with the Starbucks Workers United
10 organizing committee?

11 A Yes.

12 Q How are you familiar with the organizing committee?

13 A I attended the -- I attended a meeting by the organizing
14 committee in August.

15 Q August of what year?

16 A 2022.

17 Q 2022?

18 A I'm sorry. 2021, sorry.

19 Q Are you familiar with the letter that the committee signed
20 to Kevin Johnson in August of 2021?

21 A Yes.

22 Q How are you familiar with that letter?

23 A I volunteered to put my name on it.

24 Q When you worked at the Main Street store, did you show
25 support for the Union publicly?

1 A Yes.

2 Q What did you do?

3 A Well, I would talk to coworkers about the Union. And
4 then, in some instances, I would tell management that I support
5 the Union, as well.

6 Q When you left Main Street, what was the status of the
7 Union there?

8 A There wasn't a Union, and there was no impending election.

9 Q Prior to August of 2021, who was your store manager at
10 Main Street?

11 A Her name was Julie Almond.

12 Q And did there come a time when that changed?

13 A Yes.

14 Q When did that change?

15 A Around October of 2021.

16 Q And what happened then?

17 A I received a phone call. It was either from one of the
18 newer district managers or someone from higher in Starbucks
19 that was in Buffalo at the time. And --

20 Q And what did they tell you?

21 A -- were a district manager. She just told me that Julie
22 would be stepping away from Starbucks and moving -- moving on,
23 and that she wasn't any -- she wasn't with the company anymore.

24 Q After Julie left Starbucks, who was the store manager?

25 A Well, it was going to be this one manager who had been

1 with Starbucks for a long time, but that -- that's --

2 MR. BALSAM: Objection. Nonresponsive.

3 Q BY MS. STANLEY: But who actually took over as -- as
4 store --

5 JUDGE ROSAS: Hold on. There's an objection. Repeat --
6 repeat the question.

7 MS. STANLEY: Who took over as store manager after Julie
8 left?

9 UNIDENTIFIED SPEAKER: It's been asked and answered.

10 JUDGE ROSAS: And there's an objection to that, Mr.
11 Balsam?

12 MR. BALSAM: I was objecting to the nonresponsive nature
13 of the response.

14 MS. STANLEY: I was --

15 MR. BALSAM: The witness was --

16 MS. STANLEY: I was attempting to rephrase.

17 MR. BALSAM: I know you were. Thank you, Alicia.

18 JUDGE ROSAS: All right. Mr. Johnson, take it down a
19 little -- a notch because in case there's objections, I have to
20 be able to rule before you answer, okay?

21 THE WITNESS: Okay.

22 Q BY MS. STANLEY: Cory, after Julie left, who took over as
23 store manager?

24 A Sebastian Garcia.

25 Q Where was Sebastian Garcia from?

1 A Washington, D.C.

2 Q How do you know that?

3 A Because I asked him, and he told me that he was working in
4 Washington, D.C.

5 Q And at the time you left the Buffalo area, was Sebastian
6 Garcia still the store manager?

7 A Yes.

8 Q Okay. When Julie Almond was the store manager, how often
9 would you see her in the store?

10 A Probably around three or four times a week.

11 Q And at that time, how many days a week were -- were you
12 working?

13 A Five days a week.

14 Q What did Julie do in the store, to your observation?

15 A A blend of things. She would sometimes do, like,
16 administrative work on her computer. And then sometimes she
17 would work on the floor. So like, you might find her, like,
18 working bar for a little bit or, like, taking orders around the
19 drive-through window.

20 Q How often, when Julia Almond was the manager, would you
21 work a shift where there was no manager present?

22 A I would say, like, anywhere between two -- two or three
23 times a week. It's tricky because I worked mornings, so like,
24 typically, Julie would be in in the mornings. So maybe around,
25 like, two times a week.

1 Q Prior to August of 2021, who was your district manager?

2 A Shelby Young.

3 Q And prior to August of 2021, how many times had you seen
4 Shelby Young in your store?

5 A One time that I can remember.

6 Q And when she came in that time, what did she do?

7 A She came in, she spoke to Julie Almond. At that time, I
8 was still pretty new to the store, so Julie introduced me to
9 Shelby. She probably hung out for a little bit, talked to
10 Julie some more, and then she left.

11 Q Prior to August of 2021, did you ever see anyone from
12 Starbucks above the district manager level in the Main Street
13 store?

14 A No.

15 Q What about after the campaign started?

16 A Yes.

17 Q Who did you see in the store after the campaign started
18 that was above the district manager level?

19 A A mix of people. Some people whose names I remember are,
20 like, Rossann Williams, and this woman named Denise, and then a
21 mix of other people who have titles I can't really remember.

22 Q Okay. How often would you see those folks in your store
23 after the campaign started?

24 A Regularly.

25 Q Can you tell me what you mean by regularly?

1 A Like, daily or almost daily. Like, it would be rare that
2 two days go by, though, without seeing someone.

3 Q And what kind of things did you observe those people doing
4 in the store?

5 A They would come in and ask workers, like, how they were
6 doing, how was the day going, do they need any help with
7 anything? They would say, like, well, how is your day going?
8 If you answered fine or okay, they would say, well, how can we
9 make it better? Sometimes they would come work behind the
10 counter. So they may drop you ice. They may take out the
11 garbage. They may start doing things at, like, the handoff
12 lane next to the bars or ringing in people on the registers.
13 Just kind of, like, whatever they could find to keep them busy.

14 Q Did your store have any managers other than Sebastian
15 after Julie Almond left?

16 A Yeah. Briefly.

17 Q Who was that?

18 A A guy named Alex Roux.

19 Q Do you know what his title was?

20 A It was -- it was, like, support manager along with --
21 along with Sebastian.

22 Q When did Alex Roux first come to your store?

23 A I'd say roughly around October.

24 Q Do you know where he was from?

25 A Yeah. He said he was from the Philadelphia area.

1 Q And how long did Alex Roux stay at your store?

2 A Not long. Maybe like a month, month and a half, and then
3 he transferred to another store in the -- in the city.

4 Q What did he do when he worked at your store that you
5 observed?

6 A I don't know. A lot of coordinating with Sebastian, it
7 seemed like. He would be on his -- on his computer in -- in
8 the lobby, but not as often as -- as Sebastian. Many times, he
9 would be working on the floor with us behind the counter. So
10 he may be, like, having a bar shift scheduled, or he might
11 have, like, a -- or he might, you know, be on the register,
12 right? Things like that.

13 Q When both Sebastian Garcia and Alex Roux were at your
14 store, how often would you work a shift where there was no
15 manager present?

16 A It was --

17 MR. BALSAM: Objection. Asked and answered.

18 JUDGE ROSAS: I'll allow it.

19 Q BY MS. STANLEY: Go ahead.

20 A Can you repeat the question?

21 Q Yeah. When both Sebastian Garcia and Alex Roux were
22 working at your store, how often would you work a shift when
23 there was no manager present?

24 A It would be rare.

25 Q Why is that?

1 A Well, so there are two main --

2 MR. BALSAM: Objection. Calls for speculation.

3 JUDGE ROSAS: Foundation. Rephrase.

4 Q BY MS. STANLEY: How many occasions do you recall where
5 there -- where there was no manager present when the two of
6 them were at your store?

7 A Maybe, like, once a week.

8 Q Cory, did you ever attend any meetings held by Starbucks
9 in September of 2021?

10 A Yes.

11 Q When was that meeting?

12 A It probably would have been the middle of September.

13 Q And where was that meeting held?

14 A It was held at our store on Main Street.

15 Q How did you learn about the meeting?

16 A It was either announced in the GroupMe, our store GroupMe,
17 by Julie Almond or it was -- we have our schedules posted out,
18 and it would have been, like, a straight line down through all
19 the names saying that there was, like, a meeting at that day.

20 Q What time of day was that meeting held?

21 A It was an evening around 6:00, maybe.

22 Q Was the store open or closed during the meeting?

23 A It was closed.

24 Q And at that time, what was the normal closing time of the
25 store?



1 A 10:00.

2 Q Prior to this meeting, are you aware of your store ever
3 closing early for a meeting before?

4 A No.

5 Q What about other Starbucks stores you've worked at in the
6 past?

7 A No.

8 Q How many partners attended that meeting?

9 A About, like, 15 or 16, maybe.

10 Q And who from corporate was at that meeting?

11 A It was held by three people from Starbucks. One was a
12 district manager. They had relocated to Buffalo. His name was
13 Mark. And the other two people were higher up than, like, a
14 district level manager within the corporation. Their two
15 names, I can't remember, but it was -- it was three people in
16 total.

17 Q What happened during that meeting in September?

18 A So we all gathered in, like, a circle in the cafe in the
19 lobby. And we started by simple introductions, who we were and
20 how long we've been with the company.

21 And then one of the three people hosting the meeting
22 started saying that, you know, they felt that people weren't
23 getting the Starbucks experience, and by that they meant the
24 partners. And so they've been visiting stores and talking to
25 more partners to kind of see what they could do to make things

1 better. And that they've been hearing some pretty, pretty
2 reasonable complaints, but that, ultimately, they're
3 disappointed that, you know, workers have been working in these
4 conditions. So they were here to rebuild that relationship.

5 And then at some point, they -- they mentioned the Union.
6 They said that a labor union called Workers United had filed a
7 petition at three Buffalo-area stores. And they said that they
8 were still, you know, learning as much as we were. But then
9 they told us that, even though these three stores had filed for
10 an election, that all of us were going to vote, including my
11 store. So it wasn't just those three stores. They said all
12 20 -- all 20 stores are going to vote and all of us have the --
13 the opportunity to vote as well.

14 And then they kind of carried on with the meeting. They
15 took, like, a round of statements from people. Like, they
16 wanted to know, like, what exactly people had complaints about,
17 and --

18 Q And --

19 A -- and that took a long time. So they -- they did that.
20 And then I felt like it was a long meeting. It was, like,
21 maybe an hour and a half or two hours (indiscernible,
22 simultaneous speech) --

23 Q When they ask -- when they asked people what they had
24 complaints about, did people respond to that?

25 A Yeah. Yeah, yeah. That was a --

1 Q What --

2 A -- pretty big part of it.

3 Q What was said?

4 A Well, they said things like, you know, they wanted -- they
5 didn't feel like the newer partners were getting adequate
6 training. They said that they felt that, many times, we were
7 understaffed. They mentioned this bizarre, ongoing bee problem
8 that a lot of the Buffalo stores had. They -- they said a lot
9 about our boss, Julie, and some complaints they had about her.

10 One person in particular said that, since the announcement
11 of the Union, there have been a lot of new faces in our cafe
12 from higher up in the company constantly visiting our stores
13 and that she didn't like it and that it made me feel really
14 intimidated and asked if that could be stopped.

15 Q Was there a response to that?

16 A Yeah. One of the three people said, yeah, we've been
17 hearing about that, and we're going to take care of it.

18 Q Did you speak up at that meeting at all?

19 A I did.

20 Q What did you say?

21 A When they said that all of us were going to vote in the
22 election, I just raised my hand, and I said -- you know, I
23 intr -- I said who I was. My name's Cory. And I said that I
24 was on the organizing committee. And that -- you know, that --
25 that information is false. That this is something that's being

1 worked out at the Labor Board, and there's no reason we should
2 have, at this moment, to believe that we're going to vote in an
3 election we didn't file a vote in.

4 Q And how long was that meeting?

5 A I'd say it was a pretty long one. It was, like, an hour
6 and a half to two hours.

7 Q Was anything that was discussed in that meeting addressed
8 by the company afterward?

9 A Yeah, some of it was. So --

10 Q What do you recall being addressed afterward?

11 A Well, they -- they did start addressing the bee problem.
12 Like, they -- I guess they called the bee control people and
13 got rid of those. Like, we started having more staff on our
14 shifts. So if you would have seven people or eight people on,
15 like, a really busy peak shift, we started noticing there was,
16 like, ten people or 11 people sometimes.

17 Something that people talked about was being, like,
18 overwhelmed with the amount of work we had to do. So
19 workers -- supervisors were able to, like, begin closing things
20 early that they usually wouldn't have been given that much
21 ability to do. So --

22 Q Like what, for example?

23 A Like turning off mobile ordering if it were really busy
24 and we -- we were maybe understaffed on a particular day.
25 Yeah. So like, they could start turning that off, and then it

1 would only be, like, the drive-through or the mobile. Or we
2 could start shutting off, like, cafe ordering, for example, and
3 it will only be, like, mobile and drive-through. Like, just
4 kind of shutting off any of those combination of things became
5 much easier.

6 And in some instances, especially for the night shift, I
7 know that they were able to start closing the -- the cafe,
8 like, the entire store, not just, like, the cafe ordering but
9 closing the whole store kind of at their discretion, like, if
10 they had, like, two call-outs that night and they weren't
11 supposed to close until, like, 10, they could start closing at,
12 like, 7.

13 Q And whose discretion was that at?

14 A The shift -- the shift supervisor.

15 Q Prior to that meeting in September, who had the discretion
16 to do those things?

17 A It would have been the store manager. So if you wanted --
18 let's say it was, like, a busy Sunday and we -- we were getting
19 slammed and we wanted to kind of cut off mobile ordering for a
20 little bit to, like, kind of keep up with -- with the pace of
21 things. Like, our shift supervisor would have to, like, try to
22 get a hold of Julie Almond because Sundays would typically be
23 her day off, and then she would have to do it or, like, give
24 the permission to do it. So that's how that would have gone.

25 Q Okay. Did you ever attend any meetings held by Starbucks

1 in October of 2021?

2 A Yeah. I believe two.

3 Q Two? Where was the first meeting held?

4 A The first one was back at our store. It was, like, a
5 similar model. It was, like -- like, they closed the store and
6 we sat in, like, a circle. And baristas kind of gathered
7 around and -- excuse me. It was with -- it was with managers.

8 Q And what about the second meeting? Where was the second
9 meeting in October held?

10 A It was held at a hotel out near the library -- or not the
11 library, sorry. Out near the airport.

12 Q Was the store open or closed during that second meeting?

13 A It was closed.

14 Q What time of day was that second meeting?

15 A So the second meeting, it was structured a little
16 differently. So instead of it being one time at -- at our
17 store, it was broken down into four separate meetings. So
18 instead of everybody attending one meeting together, it was,
19 like, some people were scheduled to attend the meeting at this
20 time. And then some people for this time. Some people, this
21 time. And some people --

22 Q What time was the -- what time was the meeting you
23 attended?

24 A Mine was late. It was, like, 9:00 at night -- or 8:00 at
25 night.

1 Q Okay. And what was the normal closing time of the store
2 in October of 2021?

3 A Probably would have been 10:00.

4 Q Cory, are you familiar with the benefits provided by
5 Starbucks?

6 A Somewhat, yeah.

7 Q Are you familiar with one relating to therapy?

8 A Yeah. It's, like, something about baristas having access
9 to something called Lyra.

10 Q Had you ever heard of manager at Main Street talk about
11 Lyra?

12 A One time. It was --

13 Q Who was that?

14 A It was probably in September or October, Julie Almond
15 posted in our GroupMe something about partners having access to
16 therapy sessions and that they'd be at the store some point on
17 some given day from, like, certain times.

18 Q And approximately when did Julie send that message in the
19 GroupMe?

20 A Like, probably around, again, like, it had to have been,
21 like, October sometime, I guess.

22 Q Prior to that message, had you been aware of any in-person
23 Lyra benefit?

24 A No.

25 Q Do you know if that actually came to pass, that that

1 actually happened?

2 A I don't.

3 Q Are you still part of the Main Street GroupMe chat?

4 A No. I think around November, the, like, admins for it,
5 which were the shift supervisors, decided that it wasn't useful
6 for our store, so they got rid of it.

7 Q So it doesn't exist anymore?

8 A As far as my knowledge goes, yeah.

9 Q Did you attend any meetings in November that were held by
10 Starbucks?

11 A Yeah.

12 Q What meeting was that?

13 A It was a meeting in November. There was a big citywide
14 meeting at a hotel in downtown where, like, all the partners
15 were invited for across the city. So like, all the baristas,
16 shift managers, upper managers. Like, if you were employed by
17 Starbucks and you were in that city, you were invited to it.
18 And it was a meeting gather -- where people gathered, and
19 Howard Schultz was in town, and he gave a speech.

20 Q Was your store open during that meeting?

21 A No.

22 MR. BALSAM: Objection. This testimony is cumulative.
23 We've heard from multiple witnesses throughout the course of
24 this proceeding about the attendance at the Howard Schultz
25 meeting. This would probably be at least the tenth witness

1 who's going to testify about this.

2 JUDGE ROSAS: General Counsel?

3 MS. STANLEY: Your Honor, this is a -- this is a Buffalo-
4 wide allegation. And this is also my last question on it. I'm
5 not asking anything beyond this question.

6 JUDGE ROSAS: I'll allow it. Overruled.

7 Q BY MS. STANLEY: Was your store open during this meeting?

8 A No.

9 Q Cory, did you ever -- did you ever transfer stores within
10 the Buffalo market?

11 A No, I did try to transfer.

12 Q When did you try to transfer?

13 A Sometime in November.

14 Q And what store did you want to transfer to?

15 A I was going to transfer to the Sheridan and Bailey store.

16 Q Why that store?

17 A Because my lease in the Elmwood -- in Elmwood Village was
18 up in January, and I -- like, I knew I wasn't going to renew
19 and I wanted to find a new store. And so I thought I might be
20 moving out there. So I started to get the process going early
21 in November. That way, I'd be set up by the time I was moving.

22 Q Did you talk to any manager about wanting to transfer?

23 A Yeah. So the first thing I did was I talked to Sebastian
24 at Main Street.

25 Q What -- what did Sebastian tell you?

1 A Well, so he just kind of explained the process to me, and
2 he said it was fairly simple. He printed out, like, paperwork.
3 It's, like, one -- one-pager. He explained how -- you know,
4 like, it's no problem on his end, he said, because he said Main
5 Street, at the time, didn't have -- like, we -- we weren't
6 struggling with people yet. We were, like, pretty fully
7 employed at that point.

8 So he just said all I had to do was kind of go talk to the
9 store manager at whatever store I'm trying to go to. And if
10 they tell me, I need baristas, then just get the paperwork
11 filled out. And he said, from there, it could be pretty
12 simple. He had --

13 Q Around when did you talk to Sebastian?

14 A When?

15 Q Yeah.

16 A Oh, it was -- yeah, it was in November because he, at that
17 time, he hadn't --

18 MR. BALSAM: Objection. Nonresponsive.

19 Q BY MS. STANLEY: When -- and when you talked to him, what
20 did he say? In November, what else did he say?

21 A Yeah. He just said, get -- he said, just get the whatever
22 store manager, like, I wanted to go to's, like, approval. And
23 he said, from there, it could be pretty simple. You know, you
24 just get the paperwork signed, and it -- it kind of data slides
25 you right on over.

1 Q Did he say anything about your upcoming schedule?

2 A Yeah. So he said that because it was a few weeks before
3 the Thanksgiving schedule and it hadn't been made yet, so he
4 said he would leave me, like, blank on that schedule. Like, he
5 wouldn't write me in. That way, if -- if everything goes by
6 and we get it done quickly enough, I could just start at my new
7 store, like, the week after Thanksgiving.

8 Q After you had that conversation with Sebastian, what did
9 you do?

10 A So I visited the Sheraton and Bailey store to talk to the
11 store manager. His name is Derek.

12 Q And did you talk to Derek?

13 A Yeah, I did. I -- he was sitting in the store.

14 Q When you -- when you -- when you went to talk to him, what
15 happened?

16 A I just explained who I was and that I was looking to
17 transfer, and I asked if they needed baristas. He said yes.
18 And then he said, what's -- you know, what's your availability?
19 And I told him more or less open availability, that I preferred
20 to work mornings, though. And he asked, how many hours a week?
21 I said, 35 hours a week, about. And he said, that's perfect.

22 And then he gave me his email address, like, his -- his
23 company email address. He said, feel free to shoot him an
24 email and that we'll get everything arranged. And he said he
25 was having a meeting with Mark, who was the district manager,

1 later that day at noon. And that he said everything -- he said
2 he would bring it up then.

3 Q And what did you do after that conversation?

4 A I went back to my house and I emailed -- and I emailed
5 Derek just to establish that line of communication.

6 Q And what happened next?

7 A So a couple of days, maybe, like, two days went by, and I
8 hadn't heard from him yet. So I went and, like, I drove in
9 person back to Sheridan and Bailey to talk to him.

10 Q And what happened that day?

11 A He just said he was really busy and he had gotten --
12 gotten to it yet. He said I could try to come and talk to him
13 the next day, but he said he wasn't sure if he'd be able to
14 talk the next day because it was, like, the Red Cup -- it was
15 supposed to be the Red Cup Launch Day.

16 Q And what -- and what's that?

17 A It's this thing they do leading into, like, the big
18 holiday seasons. It's some kind of promotion, and it -- it
19 always just gets really busy.

20 Q Okay. So what happened then?

21 A So -- so he said he -- he wasn't sure if he'd be around to
22 talk. So leading into that weekend, maybe on that Friday, I
23 just sent him another email, and I still hadn't heard anything.

24 Q Okay. Did he respond to that email?

25 A No.

1 Q And so what did you do after that?

2 A So after that, I called him -- or I called the store,
3 rather -- on that Monday, or like, after the weekend, and I got
4 a hold of him. And he said that he wouldn't be able to approve
5 of my transfer because he's fully staffed with people.

6 He said he was -- and I asked him, well, what happened?
7 Because I thought we were going to go based on our initial
8 talk. And he said that, well, he had just gotten back from
9 vacation when I spoke to him and he wasn't -- and he didn't
10 realize that more people were hired. So and then he just
11 wished me good luck.

12 Q Cory, do you know whether Sheridan and Bailey had ever
13 filed a petition for an election?

14 A Yes.

15 Q When was that?

16 A They filed, I believe, sometime in October.

17 Q How do you know that?

18 A Because I went to the press conference where they
19 announced it.

20 MS. STANLEY: I have nothing further for this witness at
21 this time.

22 MR. DOLCE: Nothing from the Charging Party.

23 JUDGE ROSAS: All right. Off the record.

24 (Off the record at 10:25 a.m.)

25

CROSS-EXAMINATION



1 Q BY MR. BALSAM: Mr. Johnson, you testified that you were
2 working in the Buffalo market for about two years before you
3 transferred to your current location in Maryland; is that
4 correct?

5 A About one year.

6 Q One year. How long have you been working for Starbucks
7 altogether?

8 A Almost two years. About a year and seven months, year and
9 eight months.

10 Q And you transferred to Richmond, Virginia in January 2022?

11 A Yes.

12 Q Okay. And when you transfer to Richmond in January 2022,
13 what was the process for your making that transfer application?

14 A So I took a leave of absence from Starbucks. It's --
15 it's, like, a month-long leave of absence just so I could get
16 my move prepared and find a new store to work at. So to do
17 that, you just call this com -- call Sedgwick, I believe the
18 company's called. And they process it, and then you're on your
19 leave of absence. And then from there, I called a couple of
20 stores in Richmond to see if they needed baristas and ended up
21 finding one and kind of went from there.

22 Q All right. So you said you called a couple of stores.
23 Did you ul -- where did your ultimately transfer to in
24 Richmond? What location?

25 A A store on North Arthur Ashe Boulevard.

1 JUDGE ROSAS: Hold on one second. Let me just make sure.
2 It seemed like somebody dropped. Lenny, you're still with us?
3 She's the most important one. Okay.

4 MS. STANLEY: Yeah. I see her and her phone.

5 JUDGE ROSAS: Okay. Okay. Go ahead.

6 Q BY MR. BALSAM: You said North Arthur Ashe Boulevard?

7 A Um-hum.

8 Q Okay. And who did you speak to at North Arthur Ashe
9 Boulevard when you were trying to make a transfer to that
10 location?

11 A The store manager. Her name is Kate Hughes (phonetic
12 throughout).

13 Q And what did Kate say when you spoke to her about your
14 interest in transferring to that location?

15 A Yeah. She just said she'd love to have another barista.
16 And she kind of gave me some idea of how many hours a week I'd
17 be able to work. Yeah. It was pretty straightforward, I'd
18 say. And then --

19 Q Okay.

20 A -- we talked about just having a -- like, she -- she was
21 saying she could schedule me as soon as possible. We just got
22 to get me off my -- my leave, and then we go from there.

23 Q And from the time that you spoke to the store manager at
24 the North Arthur Ashe location, how long did it take for you to
25 get off of your leave status?

1 A It -- it actually took the entire leave, which was, like,
2 about 28 days, I think.

3 Q It took you 28 days to come back to Starbucks after your
4 leave? Is that your testimony?

5 A Yeah, yeah. Like, I -- I started my leave, and then the
6 leave went on until, like, 28 days or so. Some -- somewhere
7 around then.

8 Q And just so I'm clear, you stayed on that 28-day leave
9 because that's what you had requested initially.

10 A Right. So well, the -- the max number of days you're
11 allowed to take is something around a month. Like, it could be
12 28 days or 30 days. It's just somewhere around there.

13 Q And so at the -- when you requested your time to go on
14 leave, Starbucks was cooperative and worked with you to get you
15 on that leave of absence, correct?

16 A Yeah.

17 Q And no one delayed your application for obtaining a leave
18 of absence, correct?

19 A Right. No one -- no one delayed that, no.

20 Q Okay. And when you were trying to make the application to
21 transfer to the -- the Richmond location, did you have to fill
22 out any paperwork?

23 A Yeah. I mean, it -- it was the same paperwork that I was
24 given when trying to transfer in Buffalo. And so how I did
25 that is, like, I received the document. Sebastian, the manager

1 in Buffalo -- Williamsville, I guess, filled out what he could
2 from his part. And I took it with me, and then I got it and
3 filled out what I could. And then I scanned it back to him so
4 that he could have it get and like, finished doing the last
5 parts of it.

6 Q And Mr. Johnson, you testified earlier that you were --
7 an -- a -- a staunch supporter of the Union campaign in
8 Buffalo, correct?

9 A Yes.

10 Q And that you were involved in the organizing campaign
11 since its inception in August 2021, correct?

12 A Yes.

13 Q And that you had, in fact, signed the Dear Kevin letter,
14 correct?

15 A Yes.

16 Q And isn't it true that at the time that you had made
17 application to transfer to the Richmond store that Richmond
18 facilities were, in fact, starting to organize?

19 A Yes.

20 Q And even though the Richmond facilities were starting to
21 organize, and you're a strong supporter of the Union campaign,
22 Starbucks did work with you to get you transferred to the
23 Richmond store on Arthur Ashe Boulevard, correct?

24 A Yes.

25 Q The store that you transferred to in Richmond, did that

1 store ultimately organize?

2 A Yes.

3 Q When did they organize?

4 A When?

5 Q Yes.

6 A Like, when was their election?

7 Q Yes. Sorry.

8 A June.

9 Q So six months after you transferred to that location, that
10 store became certified?

11 A Yes.

12 Q Looking back to your -- your request to transfer from your
13 original store in Williamsville to Sheridan and Bailey, in your
14 communications with the receiving manager at Sheridan and
15 Bailey, did he ever say to you that there was, in fact, an
16 opening for someone with your availability?

17 A Yes.

18 Q What was the -- what were the words that he used to
19 describe that there was open availability for someone like you
20 who was trying to transfer?

21 A After I told him my availability and desired hours, he
22 said, oh, that's perfect. And then he gave me his email.

23 Q Did you ever say that there was in fact space for someone?
24 And other than saying, oh, that's perfect, did he say anything
25 else?

1 A No.

2 Q Okay. So you inferred from that discussion by saying, oh,
3 that's perfect, that he was, in fact, saying to you that there
4 was a spot for you at that location?

5 A Yes.

6 Q Okay. Did you ever speak to the district manager with
7 respect to your request to transfer from Williamsville to
8 Sheridan and Bailey?

9 A No.

10 MR. BALSAM: I've nothing further.

11 JUDGE ROSAS: Redirect?

12 MS. STANLEY: Nothing, Your Honor.

13 JUDGE ROSAS: Charging party?

14 **REDIRECT EXAMINATION**

15 Q BY MR. DOLCE: I -- just -- just one question. Mike Dolce
16 for the Union. Do you know the North Arthur Ashe Boulevard
17 store, what month petition -- filed its petition?

18 A February.

19 MR. DOLCE: Nothing further.

20 JUDGE ROSAS: Any follow up?

21 MR. BALSAM: No, Judge.

22 JUDGE ROSAS: All right. Mr. Johnson, your testimony is
23 concluded. Do not discuss your testimony with anyone until
24 advised by Counsel that the record and case is closed, all
25 right?

1 THE WITNESS: Okay.

2 JUDGE ROSAS: Have a good day.

3 MS. STANLEY: Thanks, Corey.

4 THE COURT REPORTER: (Audio interference) the witness,
5 please? Can I just get the name of that Kate person? He broke
6 up. The manager in Richmond.

7 THE WITNESS: Oh, her name was Kate Dews.

8 THE COURT REPORTER: Can you spell her last name, please?

9 THE WITNESS: Yeah, it's D-E-W-S.

10 THE COURT REPORTER: Thank you.

11 JUDGE ROSAS: Okay. Is that it, Lainey?

12 THE COURT REPORTER: That's it. Thank you very much.

13 JUDGE ROSAS: Okay. All right. Have a good day. All
14 right. Ready for the next witness? He's in the waiting room.

15 MS. STANLEY: Is he okay? Okay. Yeah. I told him. I
16 told him to sign on at 11. So I can tell him to sign on now,
17 unless he's already --

18 JUDGE ROSAS: He's in the waiting room.

19 MS. STANLEY: Okay. Okay.

20 JUDGE ROSAS: Who's your next witness?

21 MS. STANLEY: General Counsel calls James Skretta.

22 JUDGE ROSAS: Raise your right hand.

23 Whereupon,

24 **JAMES EDWARD SKRETTA**

25 having been duly sworn, was called as a witness herein and was

1 examined and testified, telephonically as follows:

2 JUDGE ROSAS: All right. You are muted.

3 MS. STANLEY: We can't hear you.

4 JUDGE ROSAS: Are we off the record, Lainey?

5 THE COURT REPORTER: No. We're on the record.

6 JUDGE ROSAS: We can go off until we figure this out.

7 (Off the record at 10:56 a.m.)

8 JUDGE ROSAS: Okay. So you heard me give you the oath?

9 THE WITNESS: I -- I swear.

10 JUDGE ROSAS: Okay.

11 **DIRECT EXAMINATION**

12 Q BY MS. STANLEY: James, can you state and spell your name
13 for us?

14 A James Edwards Skretta. It's J-A-M-E-S E-D-W-A-R-D. I'm
15 sorry. E-D-W-A-R-D S-K-R-E-T-T-A.

16 Q And what's your address?

17 A Presently, (b) (6), (b) (7)(C) .

18 Q Is that where you live or where you are right now?

19 A It's where I am right now. (b) (6), (b) (7)(C)

20 (b) (6), (b) (7)(C)

21 Q James, is there anyone else in the room with you?

22 A No, there is not.

23 Q And do you have any papers in front of you, notebooks,
24 notes, anything like that?

25 A No, I don't.

- 1 Q Where's your phone?
- 2 A (Inaudible).
- 3 Q All right. Can you put your phone off to the side?
- 4 A Um-hum.
- 5 Q Do you have anything else up on your computer other than
- 6 this Zoom?
- 7 A There's a Chrome browser, but I'll minimize everything.
- 8 Test the Zoom now.
- 9 Q Okay. Thank you. James, what are your pronouns?
- 10 A They/them.
- 11 Q And are you familiar with Starbucks Corporation?
- 12 A I am.
- 13 Q How are you familiar with Starbucks?
- 14 A I was employed by Starbucks from the end of April 2021,
- 15 until early March 2022.
- 16 Q What -- what store did you work at when you worked for
- 17 Starbucks?
- 18 A I had two home stores. The first was the Orchard Park
- 19 Store in Orchard Park, New York. And then the second was the
- 20 Sheridan and Bailey store in East Amhurst, New York.
- 21 Q When did you go from Orchard Park to Sheridan and Bailey?
- 22 A At the end of September 2021.
- 23 Q What job position did you have when you worked at
- 24 Starbucks?
- 25 A Barista.

1 Q Are you familiar with the Union Workers United?

2 A I am.

3 Q And are you familiar with the Starbucks Workers United
4 organizing committee?

5 A I am.

6 Q How are you familiar with the organizing committee?

7 A I was one of the founding members of the Starbucks Workers
8 United organizing committee.

9 Q Are you familiar with the letter the committee sent to
10 Kevin Johnson on August 23rd of 2021?

11 A I am.

12 Q How are you familiar with that letter?

13 A I helped write it.

14 Q Did you sign it?

15 A I did.

16 Q James, after the campaign started, did you ever attend any
17 listening sessions that Starbucks held?

18 A I did.

19 Q When was the first listening session you went to?

20 A The first listening session was, I believe, September 2nd.

21 Q And where was that held?

22 A At the Main Street store in Williamsville, New York.

23 Q How did you learn about that listening session?

24 A I remember being told about it by my -- by my store
25 manager, Sonya Velasquez, who was the store manager at the

1 Orchard Park store at that time. She showed about it to
2 baristas in person and hosted in our group chat. And it may
3 have also been the case that I heard other baristas -- other
4 baristas talking about it being something that was going to
5 happen, as well.

6 Q What time of day was the session that you attended?

7 A The session I attended was in the mid -- mid or to earl --
8 mid to early afternoon. I can't remember precisely.

9 Q How many partners were there?

10 A Somewhere around 15 to 20.

11 Q Were they all from your store?

12 A No. As far as -- I -- I can't actually remember if there
13 was another partner from my store.

14 Q Do you know any of the partners that were there?

15 A Several.

16 Q Who did you know?

17 A I knew at least Casey Moore, who was at the Williamsville
18 Place store. And Jaz Brisack, who was at the Elmwood store.

19 Q Okay. And who from corporate was at that meeting in
20 September?

21 A There were three people from corporate at that meeting.
22 There was Rossann Williams, Deanna Pusatier, and Emily Filc.

23 Q Had you ever met Rossann Williams before that meeting?

24 A No, I had not.

25 Q What about the Deanna Pusatier?

- 1 A No, I had not.
- 2 Q What about Emily Filc?
- 3 A I had not met Emily.
- 4 Q Did you speak during that session at all?
- 5 A I did. Yeah.
- 6 Q Okay. Did you attend any other meetings in September
- 7 2021?
- 8 A I believe at least one. I think there was a second, as
- 9 well. Yeah.
- 10 Q When was the next meeting you attended in September.
- 11 A I can't remember the date exactly, but it was mid to late
- 12 September, and it was held at the Orchard Park store, and it
- 13 was a meeting for --
- 14 Q What time of day was that meeting?
- 15 A That meeting was, I believe, around 5:00 p.m.
- 16 Q And was the store open or closed during that meeting?
- 17 A It was closed.
- 18 Q Did -- how many employees were at that meeting?
- 19 A Somewhere between 10 and 15.
- 20 Q And were they all from your store?
- 21 A They all were.
- 22 Q And what store were you at the time?
- 23 A The Orchard Park store.
- 24 Q Who from corporate was at that meeting?
- 25 A From corporate at that meeting there was Deanna Pusatier,

1 someone by the of Natalie. I don't know her last name, but she
2 spoke with a European accent. She spoke English with a -- with
3 a European accent. And someone by the name of Adam.

4 Q James, did you record this meeting?

5 A I did.

6 Q How did you record the meeting?

7 A On my phone.

8 Q And what did you do with the recording after you made it?

9 A I sent a copy of it to the legal counsel that Starbucks
10 Workers United has -- had been using. And I also sent a copy
11 to other members of the Starbucks Workers United organizing
12 committee.

13 Q Did you ever provide it to the NLRB?

14 A I did, yes.

15 Q Did you alter the recording in any way after you made it?

16 A No, I did not.

17 Q Have you ever seen a transcript of this recording?

18 A Yes, I have.

19 Q What did you do with that transcript when you saw it?

20 A I listened to my copy of the recording that I had while
21 following along with the transcript, and I made some minor
22 edits to accurately reflect what -- what it was that I heard.
23 And I fixed some of the -- the names that were misattributed,
24 so that the transcript reflects well what actually happened, to
25 the best of my knowledge.

1 MS. STANLEY: At this point, Your Honor, I'm going to
2 share my screen so that I can -- I'm not going to go through
3 the entire transcript. I'm just going to show him enough that
4 he can identify that it's the one we're talking about.

5 Q BY MS. STANLEY: James, let me know when you can see my
6 screen, okay?

7 A Yeah, I can see your screen.

8 Q Okay. Do you recognize this document?

9 A Yes.

10 Q What is this?

11 A This is the transcripts that I edited.

12 Q Okay. And is this an accurate transcription, at this
13 point, of the recording that you made on September 20th?

14 A To -- to the best of my knowledge, it is, yes.

15 MS. STANLEY: I'm going to stop sharing my screen.

16 I offer General Counsel Exhibit 162(a) the September 20th
17 recording and 162(b), the revised transcript of that recording.

18 MR. BALSAM: Voir dire, Judge?

19 JUDGE ROSAS: All right.

20 **VOIR DIRE EXAMINATION**

21 Q BY MR. BALSAM: Mr. Skretta, where -- where was the
22 location of this meeting?

23 A The lobby of the Orchard Park store.

24 Q Okay.

25 MR. BALSAM: No further questions. Same objection that

1 we've raised with respect to all of the audio recordings and
2 transcripts.

3 JUDGE ROSAS: Respondent's objection is overruled based on
4 my previous ruling. General Counsel's 162(a) and 162(b) are
5 received.

6 **(General Counsel Exhibit Number 162(a) and 162(b) Received into**
7 **Evidence)**

8 **RESUMED DIRECT EXAMINATION**

9 Q BY MS. STANLEY: James, after the initial listening
10 session you attended, did you ever see Rossann Williams again?

11 A I did, yes.

12 Q Where did you see her?

13 A I saw her at the Orchard Park store.

14 Q And when did you see her at Orchard Park?

15 A I saw her on at least two occasions. I can't recall
16 precisely whether they were before -- they were both before or
17 after this -- this meeting. But yes, she would come into the
18 store alone.

19 Q When you saw her, was it was -- was it while you were
20 still working at Orchard Park?

21 A Yes, it was while I was still working at Orchard Park.
22 Yes.

23 Q What did you see Rossann do while she was in the Orchard
24 Park store?

25 A When she was in the Orchard Park store, she would come



1 behind the -- come behind the bar where the baristas were
2 working and introduce herself to us. Because she knew me, she
3 sought me out in particular to say hi. This despite, well,
4 despite the fact that I was clearly busy taking orders at the
5 drive thru station. I was wearing a headset and trying to
6 interact with customers, but Rossann still tried to make
7 friendly with me.

8 She also came in again on a separate occasion seeking to
9 talk to the store manager at the Orchard Park store. Our
10 manager wasn't in at the time, so Rossann busied herself with
11 some tasks that you don't need barista training for. Namely
12 sweeping the lobby and taking out trash.

13 Q Beside Rossann, did you see anyone else from corporate at
14 the Orchard Park store?

15 A I did.

16 Q Who did you see?

17 A So aside from the people that I've already mentioned, I
18 saw someone by the name of Denise. I can't remember her last
19 name precisely, but I believe it was Nelson. Emily Filc was in
20 our store. Deanna was frequently in our store. There's a host
21 of others that were in our store that I can't give -- that I
22 can't give names -- I'm sorry. I mean, this space. Please,
23 please, please forgive me.

24 JUDGE ROSAS: It's not a problem. Don't worry about it.

25 Q BY MS. STANLEY: Go on, James.

1 JUDGE ROSAS: At least -- at least it wasn't a cat that
2 came on the screen. Right?

3 THE WITNESS: I'm so sorry.

4 Q BY MS. STANLEY: Who else do you recall seeing, if anyone?

5 A I -- I can't place names to the other people that came
6 into the store. But there were any -- so somewhere --
7 somewhere between, I believe, six and ten other people from
8 corporate who came into the store. In particular, the day that
9 Denise Nelson came into the store, she came with somewhere
10 between eight and ten people, total. And they, from what I was
11 told in talking to Denise, they were all people from Starbucks
12 operations.

13 Q And what time frame was it that you saw these people in
14 Orchard Park?

15 A I believe that was the -- on -- on that particular visit.
16 That was in the morning. But they -- they would come in
17 basically, in relatively regular intervals after the first --
18 the first listening session on September 2nd. And I would say
19 that we saw someone from corporate every two days, every three
20 days, at the store. It -- it may have been more than that, but
21 I could say that it was very, very often when people were
22 there.

23 Q And was that between the time of that first session and
24 the time you transferred to Sheridan and Bailey?

25 A Correct, yes.

1 Q Were there any physical changes at Orchard Park between
2 those -- the initial meeting that you attended when you
3 transferred to Sheridan and Bailey?

4 A There were.

5 Q What -- what happened that you observed?

6 A There were a number of repairs that had gone unaddressed
7 for quite some time. We had a faucet behind the bar that --
8 that wasn't functioning properly. It didn't get in the way of
9 making drinks. But it still didn't function properly. The
10 same thing with a cabinet door that would never shut. We also
11 had the overhang of our drive through. The -- the canopy over
12 the drive thru window was hit by a box truck several months
13 prior and it had gone unfixed. All -- all of these things were
14 fixed within, you know, the first two or three weeks, I would
15 say, of people from corporate starting to come into our store.

16 MS. STANLEY: I'm going to apologize, because there's
17 workers replacing the overhead lighting directly outside of the
18 office that I'm in. So if anybody can't hear me, please let me
19 know.

20 Q BY MS. STANLEY: James, when you transferred to Sheridan
21 and Bailey, did you see any folks from corporate at that store?

22 A I did, yes.

23 Q Who did you see there?

24 A I saw Allyson Peck, I saw Marceau (phonetic throughout), I
25 saw Greta. I can't remember Greta's last name. I saw someone

1 named Amber Borges. I saw Alex Rosche. I saw Amy -- oh, my
2 goodness. Amy Ruiz. I also saw someone by the name of Louis.
3 I saw Sarah and Derek. Someone by the name of Marsh.

4 Q Do you know those -- those people's job titles; what their
5 jobs were?

6 A Yeah. So Sarah -- Sarah, Derek, Louis, Marsh, Amy, and
7 Alex. There's also somebody named Jess. They were all
8 presented to us as support managers. Allyson Peck, I believe,
9 is a regional vice president. Deanna would also come into the
10 stores. Greta and Mark were new district managers after David
11 LaFrois and Shelby were fired. Or relocated. I'm sorry. I --
12 I can't say whether or not they were fired, but they were no
13 longer with the company. The -- yeah. Amber -- Amber was also
14 a support manager, as well. But yeah.

15 Q When you first got to Sheridan and Bailey, who was the
16 store manager there?

17 A Matthew Morales.

18 Q And when you first got there, were there any other
19 managers assigned to the store?

20 A No, there were not.

21 Q Did that ever change?

22 A That did.

23 Q When did that change?

24 A I would say early to mid-October.

25 Q And what happened?

1 A I can't remember precisely when, but Sarah Tromp and
2 Dereck -- Dereck Sveen were first assigned to our store as
3 support managers. And this was in early October, I believe.
4 Not long after they were assigned to our store. Our store
5 manager Matt Morales was separated from the company.
6 Thereafter, there were a host of other support managers who
7 would come in and out of our store. And visits from people who
8 weren't presented with the title of support manager who were
9 very frequently in the store. For example, you know, Mark and
10 Greta as DMs, and Allyson and Deanna. Also, someone by the
11 name of Kathleen who was from HR.

12 Q James, after Matt Morales left Starbucks, who took over as
13 store manager at Sheridan and Bailey?

14 A Derek Sveen was presented as our interim store manager.

15 Q And how long was he the interim store manager?

16 A Until about the end of December.

17 Q And who took over after that?

18 A Alex Roux.

19 Q And how long was Alex Roux a store manager at Sheridan
20 and Bailey?

21 A He was our permanent store manager from the very end of
22 December until, I believe, the very end of February or very
23 early March. There was a new manager, one more new, supposedly
24 permanent manager, that was hired after -- brought in after I
25 left. Or brought in while I was still there, but right

1 before -- before I left. (Indiscernible, simultaneous
2 speech) --

3 Q And what's the name of -- and what's the name of that
4 person?

5 A Yeah. Hannah. I can't remember her last name, though.

6 Q Okay. Did you ever have any conversations with Derek
7 Sveen?

8 A Yeah, I did.

9 Q And when you talk to him?

10 A I talked to Derek basically the first day that I saw him
11 in the store. I just asked him, you know -- you know, what's
12 your story? You know, I'm curious to get to know all the new
13 people that come into our store at any time. And we both had
14 connections with people in Winona, Minnesota by like sheer
15 coincidence. We knew a couple of the same people. Yeah. So I
16 talked to him about that a little bit. Because he said he was
17 from Minneapolis. Or -- or the Twin Cities. Sorry.

18 Q And do you ever have any conversations with Sarah Tromp?

19 A Yes, I did.

20 Q When did you talk to Sarah?

21 A Yeah, likewise. Like very early when -- when I saw.
22 As -- as soon as I recognized that she was like a new face in
23 the store. I tried to get to know her some. I remember in
24 particular having, I think, the longest get to know you
25 conversation one day while we were working on the floor

1 together. The store was closed because of some technical issue
2 with the payment processing, I believe. I can't remember
3 precisely, exactly what it was. But we had some of our
4 partners sent to another store to work. I stayed. And I
5 helped do some deep cleaning, and Sarah was doing deep
6 cleaning, as well. And so we talked for a while, while we were
7 doing that.

8 Q What did you guys talk about?

9 A Yeah. I asked her just, like, what her story was, where
10 she was from. She said she was from Roanoke, Virginia, and was
11 a store manager there. And you know, I asked her, you know,
12 why is it that you came to Buffalo? And she said that, well,
13 we heard the partners in Buffalo needed some help. And then I
14 said, ah, okay, so that's the narrative that the company is
15 using for you all. And after which point she didn't continue
16 engaging in conversation.

17 Q And what were your typical hours when you worked at
18 Sheridan-Bailey?

19 A Mornings, mostly. Sometimes -- sometimes open. But very,
20 very, rarely would I be in the store after 3 p.m. or 4 p.m.

21 Q And about how many hours per week did you work?

22 A Somewhere between 25 and 35.

23 Q And how often did you work in the fall of 2021 at Orchard
24 Park, where a support manager was present?

25 A In Orchard Park support managers -- well, we didn't



1 have -- when I was working at Orchard Park, we didn't have any
2 support.

3 Q All right. I -- I misspoke.

4 MS. STANLEY: Strike that.

5 THE WITNESS: Yeah.

6 Q BY MS. STANLEY:

7 Q How often when you were working -- when you were working
8 at Sheridan and Bailey, did you work when a support manager was
9 present?

10 A Yeah. It was incredibly rare that I would work a shift
11 and there would not be a store manager present. I -- I say
12 this because I remember one day particular, one day in
13 particular in either January or February, I remarked to one of
14 my colleagues, wow, we don't have a support manager in today.
15 This is incredible. Or like something -- something along those
16 lines. It was -- it was so often that I can't recall how --
17 I'll leave it at that, yeah.

18 Q And how many support managers would typically be present
19 in the store when you were there at any given time?

20 A On rare occasions there'd be one, but it was typically
21 two. And sometimes -- sometimes it would be more if the store
22 would get, like, particularly busy. I would say sometimes
23 there would be upwards of four in the store.

24 Q What would the support managers do at the store, to your
25 observation?

1 A They would help make drinks --

2 MR. BALSAM: Objection. Move to strike. This is all
3 cumulative.

4 MS. STANLEY: This is not. I believe there's another
5 Sheridan and Bailey employee to testify. So this would be
6 collaborative.

7 JUDGE ROSAS: Last witness anyway, right? Well --

8 MS. STANLEY: Yeah, well. Yeah.

9 JUDGE ROSAS: Overruled.

10 Q BY MS. STANLEY: Go ahead, James.

11 A They would do barista tasks behind the bar. So they would
12 be working with us. And they would often sit in the lobby and
13 do some managerial tasks. For example, when Derek became our,
14 you know, interim manager, he would do managerial tasks while
15 sitting in the lobby. The support managers would frequently
16 sit on the opposite side of the bar and do a hand off task. So
17 they would, like, talk to customers and hand them -- hand them
18 their drinks.

19 Q Does Sheridan and Bailey use headsets?

20 A We did use headsets.

21 Q For what purposes?

22 A Head -- we used headsets to make drinks effi -- well, we
23 use headsets to take orders at the drive thru. And then we
24 would -- other people besides the people who are taking the
25 orders at the drive thru would also wear headsets. Usually if

1 you're on the warming station or if you're on the drive thru
2 espresso bar, you'd also wear a headset so that you could hear
3 the order and start working on the order before, like, the
4 ticket actually spits out. It -- helps us.

5 And this is something that's, like, actually encouraged
6 because it will help you make drinks faster. But we would also
7 just like talk to each other on the headsets, because the store
8 is kind of big and sometimes it's easier to just ask a partner
9 on the headset a question. And we would also have idle -- idle
10 chatter and socialize when, like, things were really quiet, we
11 would socialize on the headsets, as well.

12 Q Did your -- did support managers ever wear headsets at
13 Sheridan and Bailey?

14 A Almost always.

15 Q Did your use of the headset change when a support manager
16 was also wearing one?

17 A But yeah, absolutely.

18 Q How?

19 A I stopped socializing with my coworkers. I believe most
20 of us all stopped socializing. And I would frequently talk
21 about union organizing on the headsets, and didn't no longer
22 felt like the comfortable that I could do, and particular,
23 because the support managers would were headsets, even when
24 they weren't taking -- taking part in a drive-thru -- a drive-
25 thru function, either taking orders or making drinks or at the

1 warming station. You know, so they would be wearing a headset,
2 even if they weren't involved in -- in the drive-thru operation
3 of store.

4 Q Okay. Did Sheridan and Bailey ever file a petition for
5 representation?

6 A We did, yes.

7 Q Around when was that?

8 A In mid to early November.

9 Q And what did you notice in your store after the petition
10 was filed, if anything?

11 A After the petition was filed, there began to be more -- I
12 think the way to put it is just like more rigorous to
13 disciplining of workers at the store for just like various
14 infractions.

15 Q And what type of infractions did you observe discipline
16 for?

17 A I -- I observed disciplining for dress code. Dre -- what
18 we're -- what we're told to be dress code violations, tardy,
19 small bits of tardiness were taken much more seriously. I
20 was -- I was disciplined myself for -- for -- for swearing,
21 when that happens on a regular basis in the store, so.

22 Q Talking about dress code, when you worked -- when you
23 first started at -- at Sheridan and Bailey, how did you observe
24 the dress code being enforced?

25 A I felt like the dress code was fairly lax. You know,

1 there -- there -- there is -- there is a dress code. And it is
2 in the employee manual. But in my experience, when I was
3 working at Orchard Park, and then, coming into Sheridan and
4 Bailey, the managers did not strictly enforce that. And in
5 fact, they would often encourage, like, settle deviations from
6 it. As part of it --

7 Q Such as what?

8 A As like -- yes, store unity kinds of things, like, wear a
9 Bills gear on -- on game days, you know. At Orchard Park, we
10 had a tie-dye -- we always had a tie-dye Tuesday and a flannel
11 Friday. And yeah, like, these things are not in -- in the
12 dress code. Yeah. I was -- we -- we regularly wore shirts
13 with decals on them.

14 MR. BALSAM: Objection. Move to strike. The witness has
15 already answered the question that's been presented. And this
16 is all nonresponsive.

17 JUDGE ROSAS: Stricken. Next question.

18 MS. STANLEY: Um-hum.

19 Q BY MS. STANLEY: Other than enforcement of those policies,
20 what else did you notice that was different after the petition
21 was filed?

22 A I mean, we -- we had lots of support -- lots of support
23 managers in the store always. Yeah, I think I've spoken --
24 I've -- I -- I'm not -- I'm not sure I have anything new to add
25 beyond what was -- beyond what, you know, was different at

1 that -- different at that point.

2 Q Did you ever speak to the support managers about the
3 Union?

4 A Yes, I did speak to them about the Union.

5 Q Which ones did you speak to?

6 A I spoke to Alex Roux. And I spoke to Amy Ruiz about the
7 Union.

8 Q When did you speak to Amy Ruiz about the Union?

9 A Yeah. I spoke to Amy in February about the Union.

10 Q And what did you tell her when you spoke to her?

11 A I told Amy that I had serious concerns about some of the
12 things that she was doing in the store. Her and Alex both --

13 Q Just tell me what you said.

14 A I asked Amy to stop telling -- telling my coworkers lies
15 about what would happen if we would organize -- if we had
16 organize a union in our store.

17 Q Why did you tell her that?

18 A Because she was telling my coworkers lies.

19 Q What was -- what did you -- what specifically did you ask
20 her to stop saying?

21 A I asked her to stop telling partners, that if they wanted
22 to transfer, if we unionized, and -- Amy would say --

23 Q No. Thank you. What did you -- what specifically did you
24 tell her?

25 A I told Amy to stop telling my coworkers lies about what



1 would happen if we unionized, because I was hearing Amy say
2 that coworkers wouldn't be allowed to transfer. They would
3 have to quit their -- they would have to quit their job at
4 Sheridan and Bailey and get rehired if they wanted to get a job
5 at a nonunion store. And this was patently false. And so I
6 told her to stop telling my coworkers these lies.

7 Q And what did she say when you told her to stop doing that?

8 A She said, you know, I haven't been. This is not what I've
9 been saying. To which I responded, my coworkers --

10 Q And what did you say?

11 A I -- I told her my coworker Nazea (phonetic throughout)
12 told me directly that he said --

13 MR. BALSAM: Objection. Hearsay.

14 MS. STANLEY: I'm asking him what he -- what he told to
15 Amy.

16 MR. BALSAM: And he was testifying about what someone
17 else --

18 JUDGE ROSAS: It's stricken as to what somebody else told
19 him, unless it's corroborated in some form, Counsel.

20 MR. BALSAM: Thank you, Judge.

21 Q BY MS. STANLEY: What else did Amy say during this
22 conversation?

23 A I think what I've gotten out so far is -- is what's
24 relevant.

25 Q Well, what else did she say, James?

1 A Yeah. One last thing is that, she said that partners
2 deserved to -- deserved to know -- know the facts and hear the
3 company's perspective what unionizing would mean. And that she
4 would continue sharing with partners what it is that -- what it
5 is that the company's perspective on unionizing would mean for
6 the -- the workers in our store.

7 Q When you talked to Alex Roux, when was that?

8 A That was sometime in mid -- mid-February, I believe, mid
9 to early February.

10 Q And what -- what -- what was the conversation that you had
11 with Alex?

12 A Yeah. I had another conversation with Alex. It -- it was
13 similar to the one with Amy. I asked Alex to stop having one-
14 on-one conversations with workers at our store about the Union.
15 I --

16 Q Did you tell him -- did you tell him why you were asking
17 him that?

18 A I was asking him that, because my coworkers had present --
19 had told me -- several of my coworkers had directly told me
20 that the one-on-one conversations that he was pulling them into
21 were making them uncomfortable.

22 Q Did you -- did he say anything when you told him that?

23 A He said he was going to continue having the conversations.
24 And that it was his obligation to share the company's
25 perspective on what unionizing would mean for partners at the

1 store.

2 Q Did Derek -- Derek Sveen and Sarah Tromp ever leave the
3 Sheridan and Bailey?

4 A They did, yes.

5 Q Okay. And when was that?

6 A Derek left at the end of December. Sarah, I believe -- I
7 have a hard time placing when Sarah left, but it was definitely
8 before the middle of January.

9 Q Okay. Did you attend any meeting in September at Sheridan
10 and Bailey?

11 A I attended one meeting in September at Sheridan and
12 Bailey.

13 Q Around when was that?

14 A I believe it was September 30th. It was very near the end
15 of the month, yeah.

16 Q What time was that meeting?

17 A I believe mid to late afternoon.

18 Q And was the store -- where was the -- where was the
19 meeting held?

20 A It was held in the lobby of the Sheridan and Bailey store.

21 Q Was the store open or closed during that meeting?

22 A It was closed.

23 Q And at that time, what was the normal closing time of the
24 store?

25 A The store normally closes somewhere around 10:00 or so,

1 give or take a half an hour. I -- I wasn't a closer, so I was
2 bad at remember what time it closed.

3 Q And do you remember about the time that it closed?

4 A It -- it was somewhere around 10:00, yeah, though.

5 Q When you transferred from Orchard Park to Sheridan and
6 Bailey, how did you go about doing that? What was the process
7 you followed?

8 A I spoke to my manager, Sonia. I told her that I was
9 interested in transferring stores. We reached out to the
10 manager at Sheridan and Bailey and asked if he was accepting
11 new -- new workers? Once it was clear that that was the case
12 that he was accepting new workers at the store, there was a
13 form that we filled out. And I believe the district manager
14 signed off on it. And yeah, that was it.

15 Q Okay. James, did you work on November 25th of 2021?

16 A I did, yeah.

17 Q How do you know that?

18 A I believe that was Thanksgiving Day. I was excited --

19 Q And what happened? What's that?

20 A I was excited about getting paid time and a half.

21 Q And what happened that day?

22 A That day, I was reprimanded for dress code violations.
23 But I'd not been criticized for it before.

24 Q Who talked to you that day about dress code?

25 A Amber Borges.

1 Q What did Amber tell you?

2 A She told me that the shoes that I was wearing were -- were
3 not appropriate for -- for work at the store.

4 Q Had you ever worn those shoes before?

5 A I had worn those shoes every day that I've worked at
6 Starbucks since I was hired.

7 Q Had any manager ever commented on them before?

8 A No.

9 Q Had managers ever said anything about the dress code in
10 the store prior to that day?

11 A Yeah. Amber sat down with us about a week or so prior.
12 I -- actually this is funny. I don't remember exactly when,
13 but Amber had sat down with workers at our store and walk --
14 walked us through the dress code and made us sign a piece of
15 paper saying that we -- we had read through the dress code and
16 had agreed -- agreed to follow it.

17 Q And that was sometime before Thanksgiving Day?

18 A Yeah, it was sometime before.

19 Q On that occasion where Amber had you all sign the dress
20 code policy, what shoes were you wearing?

21 A The same shoes.

22 Q Did Amber say anything about them that day?

23 A No, she didn't.

24 Q Okay. On Thanksgiving Day, was anyone else present when
25 Amber told you your shoes were out of dress code?

1 A Yeah, Allyson Peck was also present.

2 Q Was that a disciplinary conversation, to your knowledge?

3 MR. BALSAM: Objection. Objection. This -- this witness
4 is not capable determining whether it was a disciplinary
5 conversation.

6 JUDGE ROSAS: General Counsel?

7 MS. STANLEY: I asked, as far as he's aware?

8 MR. BALSAM: How would he know? He didn't initiate any
9 discipline. He wouldn't know what the -- the substance of
10 the -- the framework of the conversation was.

11 JUDGE ROSAS: I don't think so. Overruled.

12 Q BY MS. STANLEY: Go ahead, James.

13 A I mean, it was not documented as a formal discipline in
14 the way that I was later formally disciplined. But it's common
15 to be disciplined in -- in short little conversations. Any
16 time your boss talks to you and asks you to do -- to do
17 something that you're not doing, it's -- it's experienced as
18 discipline.

19 Q To you?

20 A To -- to me, absolutely.

21 Q Yeah. James, did you addr -- did you attend any meetings
22 held by Starbucks in December of 2021?

23 A I did.

24 Q When was that?

25 A I believe December 16th or 17th.



- 1 Q Where was that meeting held?
- 2 A This was held in the Sheridan and Bailey store.
- 3 Q And what time of day was that meeting?
- 4 A In the evening.
- 5 Q Was the store open or closed during that -- that meeting?
- 6 A It was closed.
- 7 Q And what was the normal closing time of the store around
- 8 that time?
- 9 A About the same time, 9:30 or 10:00, or so.
- 10 Q About how many partners were there in the December meeting
- 11 you attended?
- 12 A Somewhere between 10 and 15 or so.
- 13 Q And who from corporate was there?
- 14 A Mark, Joe, Greta, Deanna, as well as Kathleen.
- 15 Q Did you record this meeting, James?
- 16 A I did, yes.
- 17 Q How did you record it?
- 18 A On my phone.
- 19 Q And did you record the full meeting?
- 20 A I did, yes.
- 21 Q What did you do with the recording after you made it?
- 22 A I sent a copy of it to the legal counsel that Starbucks
- 23 Workers United had been represented by, as well as other people
- 24 on the Starbucks Workers United organizing committee.
- 25 Q Did you provide it to the NLRB?

1 A I did, yes.

2 Q And did you alter the recording in any way at any time?

3 A No, I did not.

4 Q If I were to play this recording for you, could you
5 identify it for us?

6 A Very, very likely, yes.

7 Q Have you ever seen the transcript for this recording?

8 A Yes, I have.

9 Q What did you do with that transcript?

10 A I read through it while listening to the copy of the
11 recording that I had. And I -- I fixed some of the issues with
12 names, some -- some quotes or mis -- misattributed. And I made
13 some small edits, so that the transcript reflects what the
14 people in the room were saying, to the best of my knowledge.

15 Q If I showed you a copy of that transcript, could you
16 identify that?

17 A Yes, I could.

18 MS. STANLEY: I'm going to show the witness what's been
19 marked as General Counsel Exhibit 163(b), which corresponds to
20 163(a), the recording of the December 16th meeting.

21 Q BY MS. STANLEY: James, can you see my screen?

22 A Yes, I can.

23 Q Okay. I'm going to scroll through the first few pages of
24 this. Do you recognize this document?

25 A Yes, I do.

1 Q What is this?

2 A It's the transcript that I edited.

3 MS. STANLEY: I'm going to offer General Counsel Exhibit
4 163(a), the audio recording, and (b), the transcript of the
5 December 16th listening session.

6 MR. BALSAM: Your Honor, I'm just noting our standard
7 objection, with respect to the introduction of both of these
8 exhibits.

9 JUDGE ROSAS: General Couns -- overrule. General
10 Counsel's 163(a) and 163(b) are received.

11 **(General Counsel Exhibit Number 163(a) and (b) Received into**
12 **Evidence)**

13 Q BY MS. STANLEY: James, do you recall a snowstorm taking
14 place in Buffalo in January of 2022?

15 A Yes, I do.

16 Q When was that?

17 A On Martin Luther King, Jr. Day.

18 Q And I'm going to direct your attention --

19 JUDGE ROSAS: What was the date again? What was the date
20 again?

21 THE WITNESS: Martin Luther King, Jr. Day. I -- I --

22 JUDGE ROSAS: Oh.

23 THE WITNESS: Yeah. That Monday, it was either the 17th
24 or the 18th, I believe.

25 Q BY MS. STANLEY: Did you work the day of the storm?



1 A I was scheduled to work, but the store closed, because of
2 the -- because of the storm. I -- I believe we didn't even
3 open that day. So technically, I didn't work, though I was
4 scheduled.

5 Q Did you work the -- the following day?

6 A I did, yes.

7 Q What happened when you arrived the following day, the day
8 after the storm?

9 A When I arrived the following day, we opened several hours
10 late, the City was still digging out from the storm. When I
11 arrived at the store, me and Amy Ruiz was working that day, one
12 of the support managers. There were a few other people working
13 too. We were rushing to get the store functional again,
14 because the store was closed lots of product was out of date.
15 So we had to prepare -- prepare new -- new products, so that we
16 could actually make -- make drinks within, like, food safety
17 standard. A lot of garbage hadn't been taken out. So yeah,
18 we're just, like, scrambling to get the store clean and ready.

19 Q And what did you do that day?

20 A On that day, I was, like, working in the -- it's called
21 customer -- customer support role. I was doing a lot of the
22 work to, like, get the store prepared, making new product. In
23 particular, I remember one moment trying to take out the trash
24 out of the back --

25 Q And what happened when you went to take out the trash?

1 A The -- I tried pushing the back door open, but the snow
2 removal people did not shovel out the back of the store, so you
3 couldn't open the back door. And I was quite frustrated at the
4 lack of preparedness and some lack of support from some of the
5 other people I was working with that day. So I slammed my hand
6 against the door in frustration. And I called the snow removal
7 people fucking idiots.

8 Q Was there anyone around when you said that?

9 A Yeah. Amy Ruiz, the support manager, was sitting at
10 the -- the desk about 10 -- 10 or 15 feet away.

11 Q Were there any customers in the store?

12 A No. The store was still closed.

13 Q Did Amy Ruiz say anything to you at that time?

14 A No, she did not.

15 Q Had you ever heard other partners swear before at the
16 Sheridan and Bailey store?

17 A Almost every day.

18 Q Have you ever heard any manager swear at that store?

19 A Yeah, I have.

20 Q Were you ever aware of any partner being disciplined for
21 swearing at Sheridan and Bailey?

22 A No, I'm -- I'm not aware of that.

23 Q Did any manager bring that incident up with you again?

24 A Yeah. A month later, Alex Roux and Amy Ruiz had a formal
25 disciplining conversation with me about that incident.

- 1 Q What date was that conversation?
- 2 A It was February 17th or 18th.
- 3 Q Where did the conversation take place?
- 4 A In the lobby of the Sheridan and Bailey store.
- 5 Q And around what time of day was it?
- 6 A I believe it was at 2 p.m. That was when my shift ended
- 7 that day.
- 8 Q Did you record that conversation?
- 9 A I did.
- 10 Q How did you record it?
- 11 A On my phone.
- 12 Q Did you record the full conversation?
- 13 A I did.
- 14 Q And what did you do with the recording after you made it?
- 15 A I gave a copy to the -- the Starbucks Workers United legal
- 16 counsel. I shared it with other members of the organizing
- 17 committee. And I gave it to the NLRB as well.
- 18 Q Did you alter the recording in any way after you made it?
- 19 A No, I did not.
- 20 Q Have you -- if I were to play it for you, could you
- 21 identify it for us?
- 22 A Yes, I could.
- 23 Q Have you seen the transcript of that recording?
- 24 A Yes.
- 25 Q And what did you do with that transcript?

1 A I read through it while listening to the recording and
2 identified the speakers and made edits, so that the text
3 reflects what was said in the meeting, to the best of my
4 knowledge.

5 Q Okay.

6 MS. STANLEY: I'm going to show the witness what has been
7 marked for identification as General Counsel Exhibit 164 (b),
8 which is the transcript of the corresponding recording, which
9 is 164(a).

10 MR. BALSAM: Same objection, Judge.

11 Q BY MS. STANLEY: James, can you see my screen?

12 A I can.

13 Q Okay. I'm just going to scroll through the first few
14 pages of this document.

15 A Yep, that's it.

16 Q What is this?

17 A It's the transcript, the transcript that we're immediately
18 talking about.

19 Q Okay.

20 MS. STANLEY: I'm going to offer General Counsel Exhibit
21 164(a), the audio, and (b), the revised transcript.

22 MR. BALSAM: Same objection, Judge.

23 MS. STANLEY: Judge, you're muted.

24 JUDGE ROSAS: Overruled. General Counsel's 164(a) and
25 164(b) are received.



1 **(General Counsel Exhibit Number 164(a) and (b) Received into**
2 **Evidence)**

3 Q BY MS. STANLEY: James, were you -- were you given
4 anything during that conversation?

5 A Yeah. I was given a document that shared -- that
6 basically formalized the conversation that was taking place,
7 which was me receiving a final written warning for the incident
8 that happened on, I think, January 17th or 18th.

9 MS. STANLEY: I'm going to share my screen again to show
10 the witness what's been marked as General Counsel Exhibit 157.

11 Q BY MS. STANLEY: Can you see my screen, James?

12 A Yes, I can.

13 Q And I'm just going to scroll slowly through this two-page
14 document. Do you recognize this document, James?

15 A Yes, I do.

16 Q What is this?

17 A It's the corrective action form pertaining to the incident
18 that took place on -- okay, apparently it was January 19th.
19 And yeah, this was given to me -- it says the date that it was
20 created was the 31st of January, but the disciplining
21 conversation wasn't held until February 18th.

22 Q Okay. Is this the document that you were presented with
23 in that February 18th meeting?

24 A Yeah, it was.

25 Q Okay.

1 MS. STANLEY: I offer General Counsel Exhibit 157.

2 MR. BALSAM: Voir dire.

3 **VOIR DIRE EXAMINATION**

4 Q BY MR. BALSAM: Mr. Skretta, I noticed this document is
5 not signed by you. Why is that?

6 A I signed a document on that day. I don't know where that
7 document exists.

8 Q Did you --

9 MR. BALSAM: Alicia, would you scroll down? Thanks.

10 MS. STANLEY: This is the one that was provided.

11 MR. BALSAM: No, I understand.

12 MS. STANLEY: Yeah.

13 MR. BALSAM: If -- if -- yeah, Alicia, would you scroll up
14 to the box on the first page?

15 MS. STANLEY: Yeah. Hang on. Sorry.

16 MR. BALSAM: Where it says "Partner". Yes. That's
17 correct.

18 MS. STANLEY: Yeah.

19 MR. BALSAM: Where it says, "Partner". Stay there.

20 Q BY MR. BALSAM: All right. Mr. Skretta, looking at the
21 section where it says, "Partner's Statement". Is the version
22 that you signed, did you write a statement?

23 A No. The version that I signed, I signed somewhat
24 unthinkingly, because Alex Roux, when he presented this
25 document to me, read over the words. This -- this -- he read

1 the very first portion in the above box rather quickly. "This
2 document will serve as James Skretta's final written warning."

3 Q Right. So Mr. Skretta? Mr. Skretta, just answer the
4 question that I'm asking you. So I asked you, is the version
5 that you turned in, did you include a partner statement?

6 A No, I did not.

7 Q Okay.

8 MR. BALSAM: I have nothing further. No objection.

9 JUDGE ROSAS: So let me understand. This is the document?
10 There is no other version of this document that is -- that
11 reflects any additional information that was not produced?

12 MS. STANLEY: This is the version that was produced, Your
13 Honor. I don't have any other document than this.

14 JUDGE ROSAS: Okay.

15 MR. BALSAM: And Judge, I was asking simply because I -- I
16 had not seen a different version of this. And I wanted to
17 confirm that this version is similar to the version that Mr.
18 Skretta was provided.

19 JUDGE ROSAS: Okay. General Counsel's 157 is received.

20 **(General Counsel Exhibit Number 157 Received into Evidence)**

21 MS. STANLEY: Thank you.

22 **RESUMED DIRECT EXAMINATION**

23 Q BY MS. STANLEY: Prior to receiving this final written
24 warning, James, have you ever received a written discipline
25 before at Starbucks?

1 A No, I had not.

2 Q When did you stop working at Starbucks?

3 A In the middle or early part of March, 2022. I believe,
4 March 10th or 12th was my last day.

5 Q Why did you leave the company?

6 A I left the company, because I wanted to move to London,
7 the United Kingdom, where I have a partner who lives there,
8 a -- a romantic partner, not a Starbucks partner.

9 Q Okay. You mentioned that Sheridan and Bailey filed for --
10 filed a petition for an election. Did the store ever vote?

11 A It did.

12 Q And what was the outcome of that vote?

13 A We voted in favor of forming a union at our store.

14 Q When you worked at Orchard Park, have you ever switched --
15 switched shifts with another person?

16 A Yes, I did.

17 Q When you worked at Orchard Park, what was the process you
18 used for that?

19 A You would talk to the person that you wanted to trade
20 shifts with, just get general approval from them. And then,
21 one or both of us would reach out to the store manager to say,
22 hey, we're going to switch shifts. And then, the -- the
23 manager would say, great, thanks for -- thanks for telling me.
24 It was a very relaxed situation. And the only thing that we
25 needed to be mindful of when we were switching shifts was whether

1 or not we would -- we would move -- whether or not by picking
2 up a shift, we would go into overtime. If we would end up
3 taking on more than 40 hours a week, then we just needed to
4 get -- what was told to us at the time something of a formal
5 approval. But that was something I never experienced.

6 Q When you got to Sheridan and Bailey in September of 2021,
7 did you ever switch shifts there?

8 A Yes, I did.

9 Q When you first got to Sheridan and Bailey, what was the
10 process for doing that?

11 A It was the same process as when it was when I was working
12 at Orchard Park.

13 Q Did the process ever change when you were working at
14 Sheridan and Bailey?

15 A It did, yes.

16 Q When did it change?

17 A I remember it changing most notably in November and
18 December.

19 Q And what was the change that you observed?

20 A The change that I observed now was that we needed to get
21 formal manager approval before any -- any shift changes would
22 be -- would be approved. We would have to seek out the person
23 that we wanted to get -- change shifts with. We would both
24 have to send a text message to the store manager. And then,
25 they would either approve or deny our -- our shift change.

1 Q Okay. When that was the protocol, did you ever try to
2 pick up a shift?

3 A Yeah. I tried to -- I tried to pick up several shifts.

4 Q And what stores did you ever -- did you try to pick up
5 shifts at?

6 A My own store and the Camp Road store.

7 Q When you went to pick up a shift at the Camp Road store,
8 what happened?

9 A I coordinated with a worker at that store, William
10 Westlake, to either pick up a shift or trade -- trade -- trade
11 a shift. I can't -- I can't remember which one it was. But I
12 was going to cover one of his shifts. And my store manager, I
13 believe Derek Sveen at the time, approved it. And then, I
14 heard back from Will a short time thereafter that the store
15 manager at Camp Road was not going to approve me picking up the
16 shift to cover Will. And that they would somehow cover it some
17 other way.

18 MS. STANLEY: My remaining questions for this witness go
19 to the just and proper evidence.

20 Q BY MS. STANLEY: James, were you active in trying to
21 organize the Sheridan and Bailey store?

22 A I was, yes.

23 Q What did you do?

24 A I would have conversations with my coworkers about the
25 Union. I would hold space for them to ask any questions. The

1 biggest thing that I would do is, I would ask workers, you
2 know, how do you -- how do you feel about this? What do think
3 about this? What -- what are -- what -- what are your
4 concerns? And if they wanted to talk about the Union, we -- we
5 talked about. And if they didn't, then I wouldn't say -- I
6 wouldn't say anything more. I did a lot of work to try and
7 help my coworkers understand what -- according to labor --
8 according to what we on -- on the organizing committee were
9 told was legal and not legal, I tried to help my coworkers know
10 what their rights were at -- at the store, with regard to --
11 with regard to organizing.

12 Q And did Starbucks' response to the campaign in Buffalo
13 affect the campaign at Sheridan and Bailey?

14 A It did, yes.

15 Q In what ways?

16 A Several of my coworkers told me directly that they
17 were -- they were feeling anxious about what would happen if we
18 organize. In reference to what I had mentioned earlier, one of
19 my coworkers told me that they were led to believe that they
20 would no longer be able to transfer -- transfer stores.

21 Q Did an -- do you recall anything else that people told you
22 about their concerns?

23 A I mean, that's the biggest specific. I'd need to dwell
24 some more on some specifics beyond -- beyond conveying, like, a
25 general sentiment of fear, and anxiety, and discomfort.

1 Q Okay. Was there anything in particular that happened that
2 you thought made it harder to organize?

3 A The presence of the support managers in the store made it
4 much more difficult to organize, because they were always
5 present. And any time you would try to have a conversation
6 with a coworker about organizing, they felt it necessary to
7 intervene and try and prevent that conversation, trying to
8 prevent that conversation from happening.

9 MS. STANLEY: I have nothing further, Your Honor.

10 MR. BALSAM: No from the party -- nothing from Charging
11 Party.

12 JUDGE ROSAS: Respondent?

13 MS. STANLEY: Uh --

14 MR. BALSAM: There's a affidavit, I believe, correct?

15 MS. STANLEY: Yeah, let me just pull it up.

16 JUDGE ROSAS: Okay. Let's go off-the-record.

17 (Off the record at 11:53 a.m.)

18 JUDGE ROSAS: Okay. On the record.

19 THE COURT REPORTER: On the record.

20 MR. BALSAM: Thanks, Judge.

21 THE COURT REPORTER: On the record.

22 **CROSS-EXAMINATION**

23 Q BY MR. BALSAM: Mr. Skretta, you started working for
24 Starbucks in April of 2021, correct?

25 A That's correct.

1 Q And you started working at the Orchard Park facil --
2 location in Buffalo, New York, market?

3 A That's correct.

4 Q And then, you testify that you transferred to the Sheridan
5 Bailey store on September 27, 2021, correct?

6 A I don't think I said the 27th, but that sounds about right
7 date, yeah.

8 Q Okay. And prior to your transferring from Orchard Park to
9 Sheridan and Bailey, isn't it true that you were vocal, and
10 vocal with respect to your support for the union organizing
11 campaign?

12 A That's correct.

13 Q And at no point at any time during that transfer process
14 did anyone say anything negative about your support for the
15 union, correct?

16 A Not that I can recall.

17 Q Why did you transfer from the Orchard Park to the Sheridan
18 Bailey Store?

19 A I transferred because I wanted a shorter commute.

20 Q And Mr. Skretta, you testified about a meeting that you
21 had where you were handed a copy of Starbucks dress code; do
22 you recall that testimony?

23 A Yes, I do.

24 Q And it -- my recollection of your testimony is that you
25 could not remember the precise date on which you were given a

1 copy of the dress code; is that correct?

2 A That's correct. I can es -- I can give a rough
3 estimation, which is better than nothing; but I can't remember
4 the precise date.

5 Q At some point in time, you test -- you testified that, at
6 some point in time, you were spoken to about your shoes, and
7 that your shoes were in violation of the Starbucks dress code,
8 correct?

9 A That's correct.

10 Q All right. How far in advance -- or how far be -- how
11 long before that meeting were you issued a copy of the
12 Starbucks dress code?

13 A It's hard to say, but definitely no more than six weeks.

14 Q And in the six weeks prior to you being spoken to about
15 your shoes being in violation of the dress code, you are not
16 subject to any -- you were not subject to any type of
17 discipline with respect to the dress code, correct?

18 A That's correct.

19 Q And then, on the day in question, where you are spoken to
20 about your shoes being in violation of the dress code, other
21 than being spoken to about the issue with your shoes, nothing
22 else happened to you, correct?

23 A Not that I can recall, no.

24 Q Did you ever change your shoes and comply with the
25 Starbucks dress code?



1 A No, I did not.

2 Q Were you ever disciplined again for wearing those shoes?

3 A No.

4 Q And moving to the January 19th, 2022, incident that
5 resulted in you receiving a final written warning; prior to
6 your receipt of this final written warning, did you receive a
7 copy of the Starbucks Partner Guide?

8 A It's likely. My guess is that something like that would
9 have been issued upon hiring.

10 Q And it's your understanding that Starbucks prohibits
11 partners from using inappropriate words during the workday,
12 correct?

13 A That was not my understanding.

14 Q At no point in time did anyone tell you that it was
15 inappropriate to be using swear words during the workday?

16 A No.

17 Q Do you think it's appropriate to use inappropriate
18 language at work?

19 MS. STANLEY: Objection. Relevance.

20 JUDGE ROSAS: I'm going to sustain that. I don't want to
21 get into a debate on morality or anything like that.

22 Q BY MR. BALSAM: Mr. Skretta, in addition to saying the
23 words "fucking idiots", on January 19th, 2022, which you admit,
24 correct?

25 A I -- I admit that. Yes, that's correct.

1 Q All right. Isn't it true that you also hit and slammed
2 the door of the store?

3 A I hit my hand against the door.

4 Q And it was in -- in an act of rage that you were doing
5 that, correct?

6 MS. STANLEY: Objection. Objection. Objection to form.

7 JUDGE ROSAS: I'll allow it. Overruled.

8 Q BY MR. BALSAM: You were frustrated.

9 JUDGE ROSAS: (Indiscernible, simultaneous speech) --

10 Q BY MR. BALSAM: You were frustrated, Mr. Skretta, correct?

11 A That's correct.

12 Q And so you violently hit the door with your hand. Correct?

13 MS. STANLEY: Objection to the characterization of
14 violently.

15 JUDGE ROSAS: I'll allow it. Overruled.

16 MS. STANLEY: You can answer, go ahead.

17 MR. BALSAM: Mr. Skretta, you can answer the question.

18 MS. STANLEY: Yeah.

19 THE WITNESS: Can you ask the question again?

20 Q BY MR. BALSAM: Isn't it true that you violently hit the
21 door with your hand because you were frustrated?

22 A I disagree with that characterization.

23 Q Mr. Skretta, did you tap the door ever so gently when you
24 were expressing your frustration?

25 A I believe that I hit my hand against the door, which is an

1 inanimate object that is very strong. And the force with which
2 my hand hit the door would not been anywhere near the amount of
3 force that would have been needed to cause damage to the door.

4 Q Okay. But you still admit that you -- you struck the door
5 with some level of force?

6 A Yes.

7 Q Okay. You testified that you didn't feel comfortable
8 talking at the store about unionizing, because support managers
9 were wearing headsets; is that correct?

10 A That's correct.

11 Q Isn't it true that Starbucks policy prohibits its partners
12 from discussing nonwork related events on the headsets?

13 A I'm not aware of that policy.

14 Q Okay. You also said that -- you asked the support manager
15 to stop telling lies about what would happen if the store
16 unionized; is that correct?

17 A That's correct.

18 Q And that's the lies that you referred to were -- were
19 solely with respect to this idea that one could not transfer
20 between stores if the stores were unionized, correct?

21 A They went solely with that; although, that's the incident
22 that comes most prom -- prom -- that -- that's the particular
23 one that comes most prominently to mind.

24 Q Right. But as we sit here today, the only way that you
25 can concretely talk about is the fact that you believe that

1 they were talking about -- they were sell -- telling lies with
2 respect to the transfer process, correct?

3 A Yeah, absolutely.

4 Q Okay. How do you know they were telling lies? How do you
5 know what they were telling you wasn't true?

6 A Because I have to believe the things that my coworkers
7 tell me.

8 Q So you were never personally told by anyone at Starbucks
9 about this concept that you couldn't transfer between stores if
10 they were -- the stores were unionized?

11 A I believe that the support managers avoided having these
12 kinds of conversations with (indiscernible, simultaneous
13 speech).

14 Q So the answer is no. You were never -- you never had any
15 personal conversations with any support manager about this idea
16 that you would not be able to transfer stores if the stores
17 were unionized, correct?

18 A A support manager never raised the issue directly to me.

19 Q Okay. And again, how do you know that what was being
20 communicated was a lie?

21 A Can you reframe the question?

22 Q Sure. You -- you testified that you were told by others
23 that support managers had said to them, if the store had been
24 unionized, partners would not be able to transfer between
25 stores, correct?

1 A That's correct.

2 Q So the basic premise of that -- my question is, how do you
3 know that the basic premise of that statement isn't inaccurate?

4 A From my understanding of what would have been a violation
5 of labor law at the time, that kind of activity would have
6 discriminated against workers who were trying to organize labor
7 unions; therefore, preventing those workers from transferring
8 stores would have been an illegal act.

9 Q So one store -- if Sheridan and Bailey unionizes, and
10 it's -- a partner from Sheridan Bailey wants to go to a store
11 that's not unionized, your position is that -- that they would
12 be permitted to do that?

13 A That's correct.

14 Q Okay. Mr. Skretta, were you a perfect employee when you
15 were working for Starbucks?

16 MS. STANLEY: Objection. Relevance.

17 MR. BALSAM: You give me a minute, Your Honor, I'll get to
18 a point.

19 MS. STANLEY: Sorry. Judge, you're muted.

20 JUDGE ROSAS: You -- you -- you -- you just give me a
21 minute. I get a sign that I'm muted, okay. So we don't need
22 to belabor the record.

23 I'll allow it.

24 Q BY MR. BALSAM: Mr. Skretta, were you a perfect employee
25 when you were working for Starbucks?

1 A What does it mean to be a perfect employee?

2 Q Do you mis -- did you make mistakes at work?

3 A Yes, I did.

4 Q Did a manager of yours ever correct you on those mistakes?

5 A Yes.

6 Q And you said in your own testimony that any time your boss
7 asked to do something that you're not doing, that is
8 discipline; would you say that any time a manager spoke to you
9 when you were doing something wrong, that was a form of
10 discipline?

11 A No, I think the affect matters.

12 Q So your testimony before is inaccurate, correct?

13 A I dis -- I disagree.

14 Q You said that when someone spoke to you about the dress
15 code violation, that was a form of discipline, because your
16 manager was telling you that you were doing something wrong?

17 A That's correct.

18 Q And so just so I'm clear, your testimony is that that was
19 discipline; but when you make mistakes at work, and you're
20 being corrected, that's not discipline?

21 A I think the way in which you experience it can -- can
22 vary. And I think we're getting caught up in the formality of
23 the word discipline. I think what matters is the kind of fear
24 and subordination affect that often gets communicated in the
25 way that a manager conveys these things.

1 And every -- every time you make a mistake, it may not
2 carry that same kind of, you know, instilling a sense of fear
3 into your employees. But ultimately, there's always the
4 opportunity for that, and that was something that was an
5 essential character of my experience of being disciplined at
6 that time about the dress code.

7 Q So you were so just you were dis -- you were so scared
8 about being disciplined, using your word, about being talked
9 to, with respect to a dress code violation, that you continue
10 to not abide by the dress code; is that your testimony?

11 A I was scared, because this conversation was being had in
12 front of the regional vice-president.

13 Q And did the regional vice-president ever speak to you at
14 any point in time after -- regarding violations of the dress
15 code?

16 A No.

17 Q No. But you're still -- your testimony to this point is,
18 you were scared and fearful of that conversation, even though
19 nothing ever happened and you still continued to violate the
20 dress code?

21 MS. STANLEY: Objection. Asked and answered.

22 JUDGE ROSAS: I'll allow it.

23 THE WITNESS: Yes, I was.

24 MR. BALSAM: Okay. Your Honor, this is just improper
25 evidence?

1 JUDGE ROSAS: Go ahead.

2 Q BY MR. BALSAM: Mr. Skretta, you testified that Starbucks'
3 response to the union organized in campaign affected the vote
4 at Sheridan and Bailey; is that what your testimony was?

5 MS. STANLEY: Objection. Mischaracterizes testimony.

6 Q BY MR. BALSAM: You can answer, Mr. Skretta.

7 A I -- I don't believe that -- I'-- I'm sorry, can you
8 ask -- can you ask the question again? I'm not quite sure I
9 fully understood.

10 Q BY MR. BALSAM: Sure. You testified that Starbucks'
11 response, after it became aware of the Dear Kevin (phonetic)
12 letter affected the campaign overall; was that your testimony?

13 A I stand by that testimony, yeah.

14 Q How -- how did it affect the campaign?

15 A I think it made workers more anxious to have open
16 conversations about what it could mean to form a union. I
17 think it put workers in a situation where they became fearful
18 about what would happen if they would -- if they would form
19 unions at their store.

20 Q Which workers told you that they were feeling anxious?

21 A Nasia, Al (phonetic), and Rachel, Danny, Sam, T (phonetic,
22 Joe. I mean, I can't --

23 Q Are these worker -- are these workers at the Sheridan and
24 Bailey store?

25 A These are some of my coworkers at the Sheridan Bailey

1 store.

2 Q Did anyone outside of Sheridan Bailey tell you they were
3 feeling anxious?

4 A Yes. Yeah, there were --

5 Q Who?

6 A -- many of the people of the Starbucks -- Starbucks
7 Workers United Organizing Committee. Jaz (phonetic), Rachel,
8 Michelle, Casey. The -- it -- it's difficult in this moment
9 to -- to recall all of them, only because it was such a
10 pervasive affect among people -- among Starbucks workers in
11 Buffalo.

12 Q In at the time that Sheridan and Bailey organized, had
13 anyone been terminated from the Starbucks market who was a
14 known supporter of the union?

15 A Can you clarify what you mean by -- or what time that
16 Sheridan and Bailey organized? The time that Sheridan and
17 Bailey organized, what -- what is that date?

18 Q So Mr. Skretta, I understand that Sheridan and Bailey
19 voted to -- to unionize in November of 2021; is that accurate?

20 A That's not accurate. Sheridan and Bailey voted to
21 organize a union between January 31st and January -- February
22 22nd, I believe. The vote count was held sometime in early
23 March, in -- at which point we voted in favor, 15 to 12.

24 Q Okay. At the time that the individuals you mentioned said
25 that they were feeling fearful or anxious about unionization --

1 supporting a union, had anyone been terminated at that point,
2 in the Buffalo market, who was a known supporter of the union?

3 A I personally cannot recall the precise dates at which
4 workers were terminated. But I would be happy to get those
5 details for you.

6 Q So do you not recall anyone telling you, prior to the
7 dates in which known supporters of Workers United were
8 terminated?

9 A I can absolutely say that Danny Rojas would share,
10 perhaps, every shift, or every other shift, that they were very
11 anxious about being terminated. And they eventually were
12 ter -- they were eventually terminated. I believe that was
13 sometime at the end of February or early March when Danny Rojas
14 was terminated. Angel is another worker who was terminated
15 from the Depew store, who shared frequently in our group chats
16 about their anxiety about being terminated as well.

17 Q Do you know the circumstances surrounding Angel or Danny's
18 termination?

19 A I recall some surrounding Danny's determination. I think
20 they had to do with tardiness.

21 Q Were you involved in the decision to terminate Danny
22 Rojas?

23 A No, I was not.

24 Q S4: Were you involved in the determination -- the
25 decision to terminate Angel Krempa?

1 A No, I was not.

2 Q So how did you become aware of those terminations?

3 A They shared about them directly, with Danny sharing with
4 me. Angel was sharing in group chats.

5 Q Did you ask any questions about the information that was
6 being provided to you by either Angel or Danny?

7 A I can't recall.

8 Q So you took what they were telling you at face value?

9 A Absolutely.

10 Q Are you aware that Angel Krempa and Danny Rojas admitted
11 to the -- the conduct that formed the basis of their
12 terminations?

13 A I am not aware.

14 Q Would it become it a surprise to you that they both
15 admitted that the conduct that formed the basis of their
16 terminations actually occurred?

17 MS. STANLEY: Objection. Relevance.

18 Q BY MR. BALSAM: You can answer.

19 A No, that wouldn't be a surprise to me.

20 Q So you acknowledge that they were fired for things that
21 they actually did?

22 MS. STANLEY: Objection. Mischaracterizes his testimony.
23 You can answer James, go ahead.

24 THE WITNESS: I'm sorry. Can you share with the question
25 was, again?

1 Q BY MR. BALSAM: Sure. You acknowledged that the two of
2 them were fired for things that they actually did?

3 A Yes.

4 MR. BALSAM: I have nothing else for this witness.

5 JUDGE ROSAS: Redirect.

6 MS. STANLEY: I have nothing.

7 MR. DOLCE: Nothing further.

8 JUDGE ROSAS: All right. (Audio interference), your
9 testimony is concluded. Do not discuss your testimony with
10 anyone, until you are advised by counsel that the record in the
11 case is closed, okay?

12 THE WITNESS: Okay.

13 JUDGE ROSAS: All right. Have a good day.

14 THE WITNESS: All right. Thank you, very much.

15 JUDGE ROSAS: Okay. You have -- do we need five minutes?

16 MS. STANLEY: I think our next and final witness should be
17 in the waiting room.

18 JUDGE ROSAS: The witness is there. Do we need five
19 minutes?

20 MS. STANLEY: I don't.

21 JUDGE ROSAS: Okay. Ready to go? All right. Let's bring
22 him in. All right. We have Richard Bensinger in the
23 proceeding at this time.

24 Sir, raise your right hand.

25 Whereupon,

1 **RICHARD BENSINGER**

2 having been duly sworn, was called as a witness herein and was
3 examined and testified, telephonically as follows:

4 JUDGE ROSAS: All right. Please state and spell your
5 name, and provide us with an address.

6 THE WITNESS: Richard Bensinger, R-I-C-H-A-R-D, B, as in
7 boy, E-N-S-I-N-G-E-R. And my permanent address is (b) (6), (b) (7)(C)

8 [REDACTED]

9 JUDGE ROSAS: Go ahead.

10 **DIRECT EXAMINATION**

11 Q BY MS. STANLEY: Hi, Richard. Is there anybody else in
12 the room with you right now?

13 A No.

14 Q And do you have any documents open in front of you at all?

15 A No.

16 Q Do you have anything else up on your computer, other than
17 this Zoom window?

18 A No.

19 Q And where's your cell phone?

20 A Cell phone is over here in the chair.

21 Q Okay. All right. Thank you.

22 MS. POLITO: Before -- before we start, I'd like to note
23 our objection to this witness being permitted to testify in
24 this hearing.

25 JUDGE ROSAS: Counsel, what is the offer of proof as to

1 the testimony of this witness?

2 MS. STANLEY: This is solely just and proper evidence,
3 Your Honor.

4 JUDGE ROSAS: Okay. Overruled.

5 Q BY MS. STANLEY: Richard, what are your pronouns?

6 A He, him.

7 Q What do you do for work?

8 A I'm a union organizer.

9 Q Are you familiar with the Union Workers United?

10 A I am.

11 Q And you work with them currently?

12 A Correct.

13 Q What do you do with them -- with Workers United, at the
14 moment?

15 A I help them on campaigns assisting nonunion workers that
16 want to organize in the U.S. and Canada.

17 Q Do you have any background in union organizing?

18 A I do.

19 Q How long have you been union organizing?

20 A Since the 1970s.

21 MS. POLITO: Ob -- objection. It's not relevant to just
22 and proper, with respect to the Buffalo market campaign.

23 Q BY MS. STANLEY: You can answer. Go ahead.

24 A I began since 19 -- in 1974, organizing my own factory
25 where I worked. And then, I had var -- held various jobs,

1 including organizing director of the national AFL, CIO
2 throughout my career.

3 Q How long have you been involved with the Starbucks
4 organizing campaign?

5 A Since its launch last summer.

6 Q When the campaign first went public last summer, what was
7 your role at that time?

8 A My role was to teach and mentor the partners, the workers
9 at Starbucks, to explain to them the process of organizing, to
10 help facilitate the process, and to primarily work with and
11 org -- a large organizing committee in Buffalo, and mentor them
12 and guide them through the process.

13 Q And what did you do in that role?

14 A I would hold meetings in the office, or meetings over
15 Zoom. I would meet, sometimes, with workers one-on-one.

16 Q How -- how would workers who were interested reach out to
17 the campaign?

18 A They would reach out through -- workers reach out through
19 social media. And a lot of them go to the SP Workers United
20 Gmail account.

21 Q And when a worker would reach out, would you be involved
22 in whatever initial conversation was had, at the beginning --

23 A Sometime --

24 Q -- of the campaign?

25 A You're talking about workers outside of Buffalo?

1 Q Within --

2 MS. POLITO: Objection.

3 Q -- within Buffalo. Was there a --

4 A Yeah. Any time a worker reached out -- in -- in
5 Buffalo -- in Buffalo -- in Buffalo, people didn't usually
6 reach out through the Gmail; they just reached out directly
7 through a partner at another store. And I would be involved in
8 some of the conversations with partners from stores, about
9 organizing.

10 Q And what about partners from outside of Buffalo?

11 A I would be -- I was involved -- I've been involved in some
12 of the conversations, certainly not all of them.

13 Q Were you involved in initial conversations with those
14 workers?

15 A Workers outside of Buffalo?

16 Q Yes.

17 A In very many of them, yes.

18 Q And what would take -- what would happen in those initial
19 conversations that you participated in?

20 MS. POLITO: Objection as to form.

21 Q BY MS. STANLEY: Go ahead.

22 A The -- we would -- in initial conversations, either myself
23 or a partner for -- from Buffalo, another store, another state,
24 would ask them, how's it going at their store? Explain
25 conditions. Explain -- ask them why they want to organize a

1 union; what their issues are. And then -- and in cer -- and
2 ask them if they had any questions. And we explained the
3 pro -- the legal process, and particularly the process of
4 forming an organizing committee, which is central to the -- any
5 organizing campaign.

6 Q Okay. Did the nature of those calls change as the
7 campaign progressed?

8 A The call -- as the campaign progressed, the nature changed
9 because the conduct of the Company got more fierce. And there
10 were a lot more questions and concerns about what had happened
11 in Buffalo, particularly in the fall, and in the spring as
12 well.

13 Q What kind of questions would worker at -- would workers
14 ask, in the meetings you participated in?

15 A The typical question would be, can we be fired for
16 organizing? That's -- and also -- and we would answer that
17 that's unlawful. Then, explain what happened in Buffalo. Or
18 can a store close? Those -- firings and closings are sort of
19 the typical -- or capital offenses an employer can commit.

20 And so those -- those are two big concerns. They also
21 wanted a general explanation of the whole -- what I refer to as
22 a swarm -- the whole -- the bringing in so many management
23 personnel from out of state, to come to Buffalo, right as
24 to -- literally, right as we filed petitions for an election.

25 Q When did workers begin expressing concern about firings?

1 A Well, I think workers always ask about the potential for
2 firing. But when it came to specifics in what -- as far as
3 Buffalo goes -- and you're not talking about -- when you say
4 "firings", you're not talking about plant closings, which --

5 Q No.

6 A Okay.

7 MS. POLITO: objection.

8 Q BY MS. STANLEY: Just firing.

9 A Or store closings, not --

10 Q Just firings.

11 A Okay. People -- right when they happened, and the -- the
12 first one was in February.

13 Q What other concerns did workers raise on calls that you
14 participated in, in 2022, let's say?

15 A Well, concerns were about closings, firings. Just for
16 the -- being -- stores were very laid back. They had one store
17 manager that was generally the sole management hierarchy. They
18 were concerned about reports that -- of an inundation of
19 management personnel into stores, changing the environment.
20 They saw it as just there to spy on them, and they had read
21 about this, heard about it.

22 They were concerned about -- for a lot of Starbucks
23 workers, they work one or two days a week. And -- and company
24 has been known for that. And they were concerned, again, about
25 losing that, because one highly publicized example in Buffalo

1 was where a person was denied limited availability
2 (indiscernible, simultaneous speech) --

3 Q Who was that person?

4 A Cassie Fleischer.

5 Q And did people specifically bring up her situation?

6 A Yes.

7 Q Were there any other specific names that -- that partners
8 would bring up when they were expressing concerns?

9 A Generally, people didn't bring up the names of the
10 firings; they would bring up what happened to people. But
11 sometimes they brought up a specific -- one example would be
12 Angel Krempa. I think that's how you pronounce the last name.
13 Angel had actually -- we do a lot of Zoom calls. And in
14 Virginia, there's a -- a weekly Zoom call for the partners in
15 Virginia from various stores across the State that are
16 organizing.

17 And I was asked to come on and explain. I was asked by
18 one of the organizers to come on and explain what had happened
19 with Cassie, and Angel came on with me to that call. That was
20 the very -- it was the very end of February, beginning of
21 March, that time period.

22 And so I had -- Angel did most of the explanation, trying
23 to explain that we filed -- or were going to file charges -- or
24 filing charges. We didn't think it was not incumbent past
25 practice, and so that. And then, again, when -- when Angel --

1 Angel, herself, subsequent to that, was fired, we were asked to
2 bring Angel back on, to explain, which frightened people;
3 because she had -- she had appeared, to explain Cassie's
4 termination. Now, Angel, herself, was terminated.

5 And she came back on with me, and I think a couple of
6 other Buffalo partners, to explain her termination, as well as
7 other terminations that had occurred during -- right around the
8 same time, mostly -- mostly in the month of March or early
9 April.

10 Q In the winter 2021 to 2022, in your experience with the
11 campaign, how quickly were campaigns moving at individual
12 stores?

13 A Unusually fast. I'm --

14 Q And can you explain the process?

15 A Workers would contact us on social media, or SB Workers
16 United Gmail. Someone usually -- usually not me, sometimes,
17 but usually not me, one of the partners would field the -- what
18 they call intake, or take the call. And then, I would be
19 asked, sometimes, if I would get on a call. If I would email
20 back to them directly.

21 So either I was asked to contact that partner directly; or
22 if I could get on a call, another partner, particularly to
23 explain what had happened in Buffalo, if there were questions.
24 And -- and so we would then -- somebody -- sometimes there
25 would be one person, sometimes they'd bring another partner or

1 two, sometimes even more. But generally, it was one person on
2 an initial Zoom call.

3 And they would ask us for advice ow to organize. And we
4 said, well, you need an organizing committee. And the next
5 meeting was typically that. And very often those committees
6 were formed very quickly, a matter of days. Sometimes the same
7 day somebody would call in, oh, we need a committee. We'll go
8 get one right away. So fast, fast moving.

9 Q Did that -- did the speed of the individual store
10 campaigns ever change?

11 A Yes. The momentum of this campaign slowed, I would say
12 starting in mid to the end of February.

13 Q Okay.

14 A And continued, I believe, to this day. It -- the momentum
15 also, I think, slowed, somewhat, around the Country last fall.
16 We weren't -- we weren't attempting to organize last fall, but
17 clearly people were -- were more hesitant. I think -- what we
18 don't know is what we don't know; how many people didn't
19 contact us? Because there's thousands and thousands of stores,
20 but --

21 Q Okay. But of the ones that did contact the Union, what
22 change did you notice in -- in --

23 A That --

24 Q -- the campaigns would take?

25 A -- that they weren't able to form a committee, that they

1 didn't get back to us at all, as opposed to, say, December,
2 January until early February. Or I would say the people I
3 talked to, probably, 80 percent got back to us. I'd say that
4 precent -- I don't know the exact numbers, but it dropped
5 dramatically. They would have initial calls, initial intake.
6 I didn't keep track of it. My opinion didn't drop a whole lot,
7 if at all. But the hesitancy when they went back and talked to
8 their partners was much greater.

9 Q Okay. Can you provide other specific examples of stores
10 you talked to, or partners at stores you talked to that raised
11 concerns to you?

12 A Starting from Buffalo on?

13 Q Yes.

14 MS. POLITO: Objection.

15 Q BY MS. STANLEY: Go ahead.

16 A Well, concerns in Buffalo -- we -- when we were -- were
17 around, we were attempting to organize every store in the
18 district. And I thought, at one point, we had a chance of
19 organizing them, so we were talking to a lot of stores. When,
20 in early -- I guess it -- early September, they closed Walden
21 Galleria permanently, and closed Transit Commons for, they said
22 at the time, indefinitely, that sent fear -- created a climate
23 of fear across the entire City of Buffalo, as well as the
24 swarming of people to surveillance.

25 And whereas I thought we might get 17 stores, or 18

1 organized, almost the whole district, I felt, after going
2 through that, we'd be lucky to win one store, which was all we
3 did win, initially, in December 10th vote count. So it had a
4 hugely negative impact.

5 For some specific examples, at Del Ken -- I think it was
6 Delaware -- it's called Del Ken, the Delaware and Kenmore
7 store, which we had high hopes for. We believe it signed right
8 at a majority, in a matter of days. Once the store was closed
9 at Walden Galleria, Walden Anderson, people were terrified.
10 I -- I -- I went out to meet with the workers. I didn't go in,
11 because there was a management -- I didn't go into the store to
12 talk to them, but the president of Starbucks North America was
13 there, sitting outside.

14 But I remember I did talk to him afterwards. Josie and
15 Devyn, are two of the employees. And they were saying that the
16 whole store was afraid their store was closed -- was going to
17 close, and that was a big issue, so -- so on the East Robinson
18 store, I was -- I met in a park with Kayla Sterner, and that
19 was -- her big concern was she felt there was movement in her
20 store, but that the store closings, in particular, had scared
21 people at her store. And then -- should I continue, or --

22 Q Out -- where outside of Buffalo?

23 MS. POLITO: Objection. (Indiscernible, simultaneous
24 speech).

25 A Well --

1 Q BY MS. STANLEY: Go ahead.

2 A -- outside of Buffalo -- when Cassie was fired, people
3 knew about it. They read about. They heard about it. And
4 they -- we had a meeting -- I had a meeting on Zoom with a
5 store in Horn Lake, Mississippi, where that was -- the specific
6 overwhelming issue was, would they lose the right to switch to
7 limited availability, as some of them had done in the past.

8 That also was a huge issue in stores in Austin, Texas,
9 because it was near a university town, and so many people
10 switched their availability during the school year to just a
11 couple of days. And then, the summer, they would take more
12 days. So that was a particular concern in Austin.

13 The whole the firings in Buffalo were also a huge concern.
14 And one store in particular, a person told me that she -- the
15 big issue was the firings in Buffalo and -- and the whole
16 history of Buffalo. They didn't want to bring Buffalo to
17 Austin, was her words to me.

18 And so I would explain what happened, that we filed
19 charges, as well in -- in -- in a store outside of Nashville, a
20 gentleman I talked with, who had 20 years with the Company, 10
21 years as a former store manager, explained to me the tremendous
22 hesitation, that he was interested in a union, very supportive,
23 came from a pro-union background.

24 His dad was a minister involved in the civil rights
25 movement, and -- but that they, again, were afraid of buffalo.

1 Whereas, I explained there was a lot of heroism in Buffalo.

2 But he said people are going to remember -- that people weren't
3 looking to be heroes, and they wanted to know what the chances
4 were that they would fire people or close his store.

5 And that he would go back and talk to people, and see
6 whether or not he was satisfied; but he was afraid that the
7 history of the campaign was scaring people, as well. And I
8 didn't ever hear back from that person.

9 In es -- in Farmville, Virginia, I went personally to meet
10 with people. It's a little town, hour-and-a-half from
11 Richmond, Virginia. And I had a whole meeting with people that
12 came in on the -- on the patio of the Company, where people
13 asked me to explain the whole Buffalo history.

14 I explained the history of surveillance of people who had
15 been fired, and the Cassie story, and the store closings. And
16 they asked questions about it, and I answered them the best I
17 In -- across Virginia, there's another worker in Fairfax
18 County, Virginia, who told us that he was -- that the
19 firings -- particularly, I remember Danny Rojas had just been
20 fired, and they had seen on social media. And that concerned
21 his store to the point that he wasn't sure if he'd be able to
22 build a majority at his store or not. Wan more examples or --

23 Q If you have them.

24 A In Estero --

25 MS. POLITO: Objection.

1 Q BY MS. STANLEY: Go ahead.

2 A In Estero, Florida, there's a store that I was working
3 with that did not win their election. That the big issue there
4 was a fear of firings. And the firings in Buffalo and
5 Rochester occurred right around their campaign time. And that,
6 and they also were students there. They were afraid that of
7 the limited availability issue, and that was frightening to
8 them.

9 In another Florida southern -- Florida in Hialeah, I
10 attended a Zoom meeting there with -- it was a part meeting
11 of -- they had -- it was a community labor meeting. They had
12 people from DSA, an activist group, in Hialeah, and several
13 members of the organizing committee in Hialeah.

14 And they said their big worry was the store closings in
15 Buffalo, and also the issue about Cassie, about limited
16 availability. They -- someone had mentioned they had read
17 about it. And -- and so I explained -- talked to them about
18 that.

19 In El Paso, the big issue was the firings, and the five
20 terminations at that store. That store was terrified of being
21 fired. I remember on one of the Zoom calls, somebody in
22 Virginia Beach asking about -- on the Virginia Zoom calls, the
23 weekly calls he did, they were invited.

24 They -- they had not -- for the most part, the people on
25 that call were people who had already filed a petition. But



1 this store had not filed a petition yet. And we're talking
2 about how people were concerned about all the firings that were
3 occurring in Buffalo, as well as the history of store closings.

4 In Vermont, I was asked to come on that call, to talk
5 about the whole situation in Buffalo, from beginning to end, to
6 explain what had happened, by a couple of the workers there. I
7 think that's most of them. I could -- and --

8 Q Okay.

9 MS. STANLEY: I have nothing further at this time.

10 MR. DOLCE: Nothing from Charging Party.

11 JUDGE ROSAS: Respondent.

12 **CROSS-EXAMINATION**

13 Q BY MS. POLITO: Mr. Bensinger, you're the senior adviser
14 for Workers United; is that correct?

15 A Correct.

16 Q And you oversee the Starbucks campaign?

17 A I am involved as an adviser. I wouldn't say I oversee the
18 whole campaign, at this point. I think that was true a few
19 months ago. I think that was true.

20 Q You've given sworn ta -- testimony in the past by way of
21 an affidavit, indicating that you oversee this Starbucks'
22 campaign, correct?

23 A I oversee the whole campaign until around, I'd say,
24 earl -- to around mid-June to late June. I don't -- today, I
25 don't oversee the whole campaign.

1 Q Who oversees the campaign now? Who took on your role?

2 A Daisy Pitkin.

3 Q Would you agree with me that the main focus for the
4 Starbucks campaign was organizing new stores?

5 A Yes.

6 Q And workers generally tend to organize when they're
7 unhappy with their employer; is that correct?

8 A Not always, but -- but often, yes.

9 Q And it's helpful to your campaign, to publicly portray
10 Starbucks in a negative light; isn't that correct?

11 A It's helpful for us to expose to the public what the
12 Company -- the negative things the Company is doing, that's
13 correct.

14 Q So it's helpful to your campaign to portray Starbucks in a
15 negative light, correct?

16 A Yes.

17 Q And alleging that Starbucks is violating workers' rights
18 by terminations, would -- naturally portrays Starbucks in a
19 negative light, correct?

20 A Correct.

21 Q And who publicizes when someone is terminated?

22 MS. STANLEY: I'm sorry. We just lost Mike Dolce. He
23 texted that his Zoom was frozen.

24 JUDGE ROSAS: Off -- off-the-record.

25 (Off the record at 1:00 p.m.)

1 JUDGE ROSAS: All right. Back on the record.

2 **RESUMED CROSS-EXAMINATION**

3 Q BY MS. POLITO: Mr. Bensinger, when there's a termination
4 at Starbucks, who publishes that -- who publicizes that
5 termination?

6 A Well, several sources. The media publicize it. We
7 publicize it on our pages. I publicize it on my page, social
8 media. And the Company, itself, has publicized it, in the case
9 of Casey, in particular.

10 Q In response to Cassie publicizing that she was terminated,
11 you're referring to the fact that Starbucks informed their
12 partners that she was not -- in fact, not terminated; is that
13 what you're referring to, Mr. Bensinger?

14 A Correct.

15 Q And when you say, "we", you're referring to Workers United
16 has a Twitter account that publicizes each time a Starbucks
17 partner is terminated?

18 A The -- yes, the Starbucks partners run a Twitter account.
19 They have a social media group. And yes, that's -- each time
20 somebody is terminated, they publicize it.

21 Q And that social media account, you would agree with me, is
22 very robust, correct?

23 A Yes.

24 Q It has over 70,000 followers; is that correct?

25 A I think it's now 82,000.



1 Q And that's more than the followers that the Starbucks page
2 has, correct?

3 A It's more -- it's not more followers, but it's more
4 engagement.

5 Q And isn't it true that more than 50 percent of the
6 followers of the Workers United Account are Starbucks workers?

7 Q I think that's correct, yes.

8 A Wouldn't you also agree with me that the Twitter account
9 is used as a tool to increase momentum to grow support for the
10 Union campaign?

11 MS. STANLEY: Objection to the extent that Counsel's
12 reading from the witness' affidavit.

13 Go ahead, Jay -- Richard, you can answer.

14 THE WITNESS: I --

15 MS. POLITO: First of all, I'm not reading from any
16 affidavit, so I'm not sure what you're referring to. But --

17 MS. STANLEY: Okay.

18 MS. POLITO: -- he has given plenty of sworn testimony in
19 different forums.

20 Q BY MS. POLITO: So let me ask the question again, Mr.
21 Bensinger. Isn't it true that the Twitter account by Workers
22 United is a -- used as a tool to increase momentum to grow
23 support for the Union campaign?

24 A That's correct.

25 Q And isn't it also true that the campaign moved very

1 quickly, due to the social media account?

2 A I think it helped, yes.

3 Q Isn't it also true that the campaign has grown steadily
4 from the first one to two victories in Buffalo, since
5 mid-December, to over 300 petitions as of June 2022?

6 A Yes.

7 Q And isn't it true that since February 2022, the campaign
8 has had more elections?

9 A Yes.

10 Q And isn't it true in your -- that -- that -- isn't it also
11 true that you have stated that the Starbucks campaign is a
12 celebrated campaign, and that many people say it's one of the
13 most successful campaigns?

14 A Yes.

15 Q Do you know how -- how many people you allege have been
16 fired in Buffalo, in retaliation for their union activities?

17 A Well, I don't know the total today. It was back in the
18 spring. I can try to count them. But it was Angel,
19 Brian -- no, Brian was Rochester, actually. Nathan, Cassie.
20 Danny. I think I'm forgetting one. And there's been more
21 firings subsequent to that.

22 Q And is your understanding that Cassie alleges that she was
23 terminated on February 20th of 2022?

24 A Yes. The other person is Minwoo, was also fired back in
25 the spring.

1 Q And the first termination was in February of 2022; is that
2 your understanding? First alleged termination for engaging in
3 union activity was February 20th, 2022?

4 A Yes.

5 Q And the campaign started on August 23rd, 2021, when the
6 Dear Kevin letter was publicized?

7 A Yes.

8 Q Have you ever worked for Starbucks, Mr. Bensinger?

9 A No.

10 Q Do you know what their limited available -- availability
11 policy is?

12 A I know, generally, what it is; but I don't know
13 specifically.

14 Q Would you agree that a store that's running a business has
15 the right to determine whether or not a partner can work on a
16 particular date, given the schedules of all the other partners
17 that are working?

18 MS. STANLEY: Objection. Relevance.

19 MS. POLITO: Go ahead, you can answer.

20 MS. STANLEY: You can -- you can answer all the questions.

21 THE WITNESS: Yeah, I think the store has a right to
22 have -- a company has the right to have a policy that says,
23 we're -- we are going to allow availability, or not allow it.

24 Q BY MS. POLITO: And they have the right to determine,
25 based on all of the employees that are working in a store, in a

1 particular time, as to how they plug in those individuals to
2 work for that store, correct?

3 A Not in my opinion. If they've had a practice and a
4 policy, prior to when the Union campaign started, of allowing
5 limited availability, I don't believe they have a lawful right
6 to then change that practice, unilaterally, in retaliation for
7 employees organizing a labor union.

8 Q But you would agree with me, if they had a limited
9 availability policy that they applied, based upon the needs of
10 their business partners in the store, and they continued to
11 apply that policy, regardless of union activity, that there
12 would be nothing wrong with that, correct?

13 A Yes. I agree they have a right to establish a limited
14 availability policy.

15 Q And they have a right to determine how that's applied,
16 correct?

17 A Is -- yes --

18 Q So long as they're not -- let me finish. So long as
19 they're not changing it because of someone's union activities,
20 correct?

21 A Yes, I -- I agree.

22 Q You would agree with that?

23 A I agree.

24 Q Going back to Buffalo, in the fall of 2021; there was a
25 GroupMe chat relating to the Buffalo partners; is that correct?

1 A Yes.

2 Q And you were part of that GroupMe chat?

3 A Yes.

4 Q Weren't there over 125 people on that GroupMe chat?

5 A I think that's right.

6 Q And you testified earlier that you assisted with mentoring
7 and providing guidance to Buffalo partners during that time
8 period, correct?

9 A Correct.

10 Q Did you also provide them scripts to use at various
11 listening sessions?

12 A Scripts to use, no.

13 Q Did you provide them talking points to use at various
14 listening sessions?

15 MS. STANLEY: Objection. Relevance.

16 THE WITNESS: What do you mean by talking points?

17 Q BY MS. POLITO: Well, what -- let me ask it this way.
18 What did you provide to the Buffalo partners in order to
19 prepare them for going into listening sessions?

20 A They would ask me what to expect in these type of
21 meetings, and my experience. And I would explain to them, in
22 my experience, how these type of anti-union meetings are held.
23 And sometimes, there's questions they could ask the Company.
24 But I didn't tell them -- I didn't tell them what to say.

25 Q Were any of those communications in writing? Or were they

1 during the weekly Zoom calls?

2 A I don't recall.

3 Q Did you tell them to record the meetings?

4 A Sometimes, yes.

5 Q And most of the listening sessions in the Buffalo market,
6 to your understanding, were, in fact, recorded; is that
7 correct?

8 A I don't know what percent were recorded.

9 Q Some of them were -- the recordings were actually emailed
10 to you after the partner recorded them; is that correct?

11 A That's correct.

12 Q At your request?

13 A Yes.

14 Q When you testified earlier that a typical question from
15 partners across The Country was, can I be fired for organizing,
16 with respect to Buffalo? But again, the first time someone in
17 Buffalo was fired was in -- February 20th, 2022, as you allege,
18 with respect to the firing of Cassie Fleischer. So those
19 conversations would have been held after February 20th, 2022;
20 is that correct?

21 A Correct.

22 MS. POLITO: Just give me a minute, Judge.

23 Q BY MS. POLITO: Mr. Bensinger, you refer to multiple
24 stories in the Buffalo market being closed; to your knowledge,
25 were there 20 stores in the Buffalo market?

1 A Yes.

2 Q I'm the only one that was closed permanently was the
3 Galleria kiosk; is that correct?

4 A Correct.

5 Q The Walden Anderson store that you referenced earlier was
6 closed temporarily, to be a training store; isn't that correct?

7 A It was closed. The co -- the Company said indefinitely.
8 It was -- but it was reopened. So it was closed temporarily to
9 be a training store, yes.

10 Q And are you aware that across the Country -- a number of
11 stores in the malls across the Country, due to that pandemic
12 were, in fact, closed by Starbucks?

13 A I'm aware that some of the stores and kiosks -- kiosk
14 stores were closed during the pandemic.

15 Q And those stores have not been reopened, as a result of
16 the pandemic and the change in traffic at malls; is that
17 correct?

18 A I don't know the specifics, but I as -- I -- I read that
19 that's true.

20 Q And none of the other stores in Buffalo were, in fact,
21 closed; is that correct?

22 A They weren't -- none -- none others were closed
23 permanently.

24 Q The only -- and again, the only store that was closed
25 permanently was the Galleria Walden kiosk, correct?

1 MS. STANLEY: Objection. Asked and answered.

2 MS. POLITO: You can answer.

3 THE WITNESS: Yes, I was a -- I was a customer at that
4 store, so I'm very familiar with it. Yes.

5 MS. POLITO: That's all I have, Judge.

6 JUDGE ROSAS: Redirect?

7 MS. STANLEY: I have nothing, Your Honor.

8 MR. DOLCE: Nothing from Charging Party?

9 JUDGE ROSAS: All right. That concludes your testimony.
10 Thank you for appearing today. Do not discuss your testimony
11 with anyone until you are advised otherwise by counsel. Have a
12 good day.

13 THE WITNESS: You all have a good day, too. Thank you.

14 JUDGE ROSAS: Okay. All right. That concludes the
15 testimony today.

16 General Counsel; is that correct?

17 MS. STANLEY: Yes, Your Honor.

18 JUDGE ROSAS: Okay. Do we have anything else before we
19 adjourn?

20 MS. STANLEY: Nothing from General Counsel, I don't think.

21 JUDGE ROSAS: Okay. (Indiscernible, simultaneous speech).

22 MS. POLITO: I feel like I wanted to ask you something,
23 Judge, but I -- it's not coming to me right now. We're going
24 to start on Monday at 9; is that correct?

25 JUDGE ROSAS: Correct.

1 MS. POLITO: With two wit -- two witnesses from the board.
2 Then, we'll do our opening, and start our proof on Monday?

3 JUDGE ROSAS: Correct. Let -- all right. So we're
4 adjourned until 9 a.m., on August 29, 2022. Off-the-record.

5 **(Whereupon, the hearing in the above-entitled matter was**
6 **recessed at 1:13 p.m. until Monday, August 29, 2022 at 9:00**
7 **a.m.)**

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C E R T I F I C A T I O N

This is to certify that the attached proceedings, via Zoom videoconference, before the National Labor Relations Board (NLRB), Region 3, Case Number 03-CA-285671, et al., Starbucks Corporation, Employer, and Workers United, Union, held at the National Labor Relations Board, Region 3, Robert H. Jackson United States Courthouse U.S. District Court for the Western District of New York, 2 Niagara Square, Wyoming Courtroom, 5th Floor, Buffalo, New York 14202, on August 25, 2022, at 9:00 a.m. was held according to the record, and that this is the original, complete, and true and accurate transcript that has been compared to the reporting or recording, accomplished at the hearing, that the exhibit files have been checked for completeness and no exhibits received in evidence or in the rejected exhibit files are missing.



ELAINE LAROSEE

Official Reporter